ZONING ORDINANCE



TABLE OF CONTENTS

ARTICLE 1 ADMINISTRATION AND ENFORCEMENT

SECTION 1.01. INTENT AND PURPOSE 1.1
SECTION 1.02. SCOPE.....1.2
SECTION 1.03. SHORT TITLE.....1.2
SECTION 1.04. ENABLING AUTHORITY 1.3
SECTION 1.05. COMPLIANCE REQUIRED.....1.3
SECTION 1.06. AUTHORITY, DUTIES, AND RESPONSIBILITIES.....1.3
SECTION 1.07. ENFORCEMENT.....1.7
SECTION 1.08. ZONING PERMITS.....1.7
SECTION 1.09. CERTIFICATES 1.9
SECTION 1.10. FEES.....1.13
SECTION 1.11. PERFORMANCE GUARANTEES.....1.14
SECTION 1.12. VIOLATION AND PENALTIES 1.14

ARTICLE 2 DEFINITIONS

SECTION 2.01. RULES OF CONSTRUCTION 2.1
SECTION 2.02. DEFINITIONS 2.2

ARTICLE 3 ZONING DISTRICTS AND MAP

SECTION 3.01. ZONING DISTRICTS.....3.1
SECTION 3.02. ZONING MAP 3.2
SECTION 3.03. AMENDMENTS.....3.2

ARTICLE 4 GENERAL REQUIREMENTS

PRINCIPAL USES AND SPECIAL LAND USES 4.1
SECTION 4.01. PROHIBITED USES.....4.1
SECTION 4.02. DESIGN AND DEVELOPMENT REQUIREMENTS 4.1
SECTION 4.03. INTERPRETATION OF DISTRICT BOUNDARIES 4.1
SECTION 4.04. ROAD, ALLEY, RAILROAD RIGHTS-OF-WAY AND RIPARIAN LAND.....4.2
SECTION 4.05. ZONING OF VACATED AREAS 4.2

ARTICLE 5 LAND USE TABLE

SECTION 5.01. KEY TO DESIGNATIONS IN TABLES OF USES.....5.1

SECTION 5.02. TABLE OF PERMITTED USES BY DISTRICT 5.1

ARTICLE 6 DIMENSIONAL STANDARDS

SECTION 6.01. TABLE OF DIMENSIONAL STANDARDS BY DISTRICT 6.1

SECTION 6.02. FOOTNOTES TO THE TABLE OF DIMENSIONAL STANDARDS.....6.3

SECTION 6.03. FRONT YARDS 6.7

SECTION 6.04. RESERVED 6.7

SECTION 6.05. HEIGHT EXCEPTIONS.....6.7

SECTION 6.06. PERMITTED YARD ENCROACHMENTS.....6.8

SECTION 6.07. AREA AND YARD REGULATIONS 6.9

SECTION 6.08. FRONTAGE AND ACCESS REQUIRED.....6.9

SECTION 6.09. CORNER CLEARANCE.....6.10

ARTICLE 7 PRD, PUBLIC RECREATION DISTRICT

SECTION 7.01. PRINCIPAL LAND USES PERMITTED 7.1

SECTION 7.02. SPECIAL LAND USES PERMITTED.....7.1

SECTION 7.03. AREA, HEIGHT AND BULK REQUIREMENTS.....7.1

SECTION 7.04. REQUIRED CONDITIONS 7.2

ARTICLE 8 SP, SPECIAL PURPOSE DISTRICT

SECTION 8.01. PRINCIPAL USES PERMITTED 8.1

SECTION 8.02. SPECIAL LAND USES PERMITTED.....8.1

SECTION 8.03. AREA, HEIGHT AND BULK REQUIREMENTS.....8.1

ARTICLE 9 R-1A, LARGE LOT ONE FAMILY RESIDENTIAL

PREAMBLE 9.1

SECTION 9.01. PRINCIPAL USES PERMITTED 9.1

SECTION 9.02. SPECIAL LAND USES PERMITTED.....9.2

SECTION 9.03. AREA, HEIGHT AND BULK REQUIREMENTS.....9.3

SECTION 9.04. BUILDING FORM AND COMPOSITION 9.3

ARTICLE 10 R1-B, ONE FAMILY RESIDENTIAL; R1-C, ONE FAMILY COTTAGE RESIDENTIAL; R1-D, ONE FAMILY NEIGHBORHOOD RESIDENTIAL

PREAMBLE 10.1

SECTION 10.01. PRINCIPAL USES PERMITTED 10.1
SECTION 10.02. SPECIAL LAND USES PERMITTED.....10.2
SECTION 10.03. AREA, HEIGHT AND BULK REQUIREMENTS.....10.4
SECTION 10.04. BUILDING FORM AND COMPOSITION 10.4

ARTICLE 11 R2, ATTACHED RESIDENTIAL

PREAMBLE 11.1
SECTION 11.01. PRINCIPAL USES PERMITTED 11.1
SECTION 11.02. SPECIAL LAND USES PERMITTED.....11.2
SECTION 11.03. AREA, HEIGHT AND BULK REQUIREMENTS.....11.2
SECTION 11.04. BUILDING FORM AND COMPOSITION 11.2

ARTICLE 12 RM, MULTIPLE FAMILY RESIDENTIAL

PREAMBLE 12.1
SECTION 12.01. PRINCIPAL USES PERMITTED 12.1
SECTION 12.02. SPECIAL LAND USES PERMITTED.....12.1
SECTION 12.03. AREA, HEIGHT AND BULK REQUIREMENTS.....12.2
SECTION 12.04. BUILDING FORM AND COMPOSITION 12.2

ARTICLE 13 B1, LOCAL BUSINESS

PREAMBLE 13.1
SECTION 13.01. PRINCIPAL USES PERMITTED 13.1
SECTION 13.02. REQUIRED CONDITIONS 13.2
SECTION 13.03. AREA, HEIGHT AND BULK REQUIREMENTS.....13.3

ARTICLE 14 B2, COMMUNITY BUSINESS

PREAMBLE 14.1
SECTION 14.01. PRINCIPAL USES PERMITTED 14.1
SECTION 14.02. SPECIAL LAND USES PERMITTED.....14.2
SECTION 14.03. REQUIRED CONDITIONS 14.4
SECTION 14.04. AREA, HEIGHT AND BULK REQUIREMENTS.....14.4

ARTICLE 15 B3, GENERAL BUSINESS

PREAMBLE 15.1
SECTION 15.01. PRINCIPAL USES PERMITTED 15.1
SECTION 15.02. SPECIAL LAND USES PERMITTED.....15.2

SECTION 15.03. REQUIRED CONDITIONS 15.4
SECTION 15.04. AREA, HEIGHT AND BULK REQUIREMENTS.....15.4

ARTICLE 16 ULR, UNION LAKE ROAD OVERLAY DISTRICT

SECTION 16.01. STATEMENT OF PURPOSE.....16.1
SECTION 16.02. APPLICABILITY OF OVERLAY ZONING CONCEPT 16.1
SECTION 16.03. CREATION OF UNION LAKE ROAD OVERLAY DISTRICT BOUNDARIES.....16.1
SECTION 16.04. PERMITTED USES AND STRUCTURES.....16.1
SECTION 16.05. DEVELOPMENT STANDARDS.....16.4
SECTION 16.06. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS 16.14
SECTION 16.07. SITE PLAN REVIEW.....16.15

ARTICLE 17 MHP, MOBILE HOME PARK DISTRICT

SECTION 17.01. PRINCIPAL USES PERMITTED 17.1
SECTION 17.02. GENERAL PROVISIONS.....17.1
SECTION 17.03. SPECIAL LAND USES PERMITTED.....17.6
SECTION 17.04. SITE PLAN REVIEW (Preliminary Plan as Required by Public Act 96 of 1987, as Amended).....17.7

ARTICLE 18 HRC, HAGGERTY ROAD CORRIDOR OVERLAY DISTRICT

SECTION 18.01. STATEMENT OF PURPOSE.....18.1
SECTION 18.02. APPLICABILITY OF OVERLAY ZONING CONCEPT 18.2
SECTION 18.03. CREATION OF HAGGERTY ROAD CORRIDOR OVERLAY DISTRICT BOUNDARIES.....18.2
SECTION 18.04. PERMITTED USES AND STRUCTURES.....18.2
SECTION 18.05. DEVELOPMENT STANDARDS.....18.5
SECTION 18.06. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.....18.15
SECTION 18.07. SITE PLAN REVIEW.....18.15

ARTICLE 19 TC, TOWN CENTER OVERLAY DISTRICT

SECTION 19.01. STATEMENT OF PURPOSE.....19.1
SECTION 19.02. APPLICABILITY OF OVERLAY ZONING CONCEPT 19.2
SECTION 19.03. CREATION OF TOWN CENTER OVERLAY DISTRICT BOUNDARIES.....19.2

SECTION 19.04. PERMITTED USES AND STRUCTURES.....19.2
SECTION 19.05. DEVELOPMENT STANDARDS.....19.5
SECTION 19.06. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.....19.27
SECTION 19.07. SITE PLAN REVIEW.....19.28

ARTICLE 20 CV, COMMERCE VILLAGE OVERLAY DISTRICT

SECTION 20.01. STATEMENT OF PURPOSE.....20.1
SECTION 20.02. APPLICABILITY OF OVERLAY ZONING CONCEPT 20.1
SECTION 20.03. CREATION OF COMMERCE VILLAGE OVERLAY DISTRICT BOUNDARIES.....20.1
SECTION 20.04. PERMITTED USES AND STRUCTURES.....20.2
SECTION 20.05. DESIGN REVIEW PROCEDURES.....20.2
SECTION 20.06. DESIGN STANDARDS 20.3
SECTION 20.07. AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.....20.8
SECTION 20.08. SITE PLAN REVIEW.....20.9

ARTICLE 21 O, OFFICE

PREAMBLE 21.1
SECTION 21.01. PRINCIPAL USES PERMITTED 21.1
SECTION 21.02. SPECIAL LAND USES PERMITTED.....21.2
SECTION 21.03. REQUIRED CONDITIONS 21.2
SECTION 21.04. AREA, HEIGHT AND BULK REQUIREMENTS.....21.2

ARTICLE 22 TLM, TECHNOLOGY & LIGHT MANUFACTURING DISTRICT

PREAMBLE 22.1
SECTION 22.01. PRINCIPAL USES PERMITTED 22.1
SECTION 22.02. SPECIAL LAND USES PERMITTED.....22.2
SECTION 22.03. AREA, HEIGHT AND BULK REQUIREMENTS.....22.4

ARTICLE 23 I, INDUSTRIAL DISTRICT

PREAMBLE 23.1
SECTION 23.01. PRINCIPAL USES PERMITTED 23.1
SECTION 23.02. SPECIAL LAND USE CONDITIONS.....23.6
SECTION 23.03. AREA, HEIGHT AND BULK REQUIREMENTS.....23.7

ARTICLE 24 HF, HOSPITAL FACILITIES DISTRICT

SECTION 24.01. PURPOSE.....24.1

SECTION 24.02. PRINCIPAL USES PERMITTED 24.1

ARTICLE 24A HOS, HOSPITALITY DISTRICT

PREAMBLE 24A.1

SECTION 24A.01. PRINCIPAL USES PERMITTED 24A.1

SECTION 24A.02. SPECIAL LAND USES PERMITTED.....24A.1

SECTION 24A.03. REQUIRED CONDITIONS 24A.1

ARTICLE 25 RESERVED

ARTICLE 26 USE STANDARDS

SECTION 26.01. INTENT AND SCOPE OF REGULATIONS 26.1

SECTION 26.02. ORGANIZATION.....26.1

SECTION 26.100 RESIDENTIAL USES

SECTION 26.101. BED AND BREAKFAST ESTABLISHMENTS 26.1

SECTION 26.102. EQUESTRIAN TRAILS 26.3

SECTION 26.103. FAMILY DAY CARE HOMES 26.3

SECTION 26.104. GROUP DAY CARE HOMES 26.4

SECTION 26.105. HOME OCCUPATIONS 26.5

SECTION 26.106. MULTIPLE FAMILY DWELLINGS AND DEVELOPMENTS.....26.5

SECTION 26.107. PRIVATE RECREATIONAL FACILITIES WITHIN RESIDENTIAL SUBDIVISIONS.....26.7

SECTION 26.108. PRIVATE STABLES.....26.8

SECTION 26.109. PUBLIC STABLES AND RIDING ACADEMIES 26.8

SECTION 26.110. SENIOR HOUSING.....26.9

SECTION 26.111. TWO-FAMILY DWELLINGS.....26.13

SECTION 26.112. BACKYARD POULTRY 26.14

SECTION 26.113. RECOVERY HOMES.....26.16

SECTION 26.200 OFFICE, SERVICE, AND COMMUNITY USES

SECTION 26.201. CEMETERIES 26.17

SECTION 26.202. CHILD OR ADULT DAY CARE CENTER OR CHILD CARING INSTITUTION 26.18

SECTION 26.203. GUN CLUBS....26.18
SECTION 26.204. RESERVED....26.19
SECTION 26.205. INSTITUTIONAL USES....26.19
SECTION 26.206. PRIVATE CLUBS AND LODGE HALLS....26.19
SECTION 26.207. PRIVATELY OWNED PARKS AND PLAYGROUNDS....26.19
SECTION 26.208. LARGE SCALE INSTITUTIONAL USES, INCLUDING LARGE SCALE CHURCHES....26.20

SECTION 26.300 COMMERCIAL USES

SECTION 26.301. AMUSEMENT PARKS, CARNIVALS, REBOUND TUMBLING FACILITIES, MINIATURE GOLF COURSES AND GOLF DRIVING RANGES....26.21
SECTION 26.302. AUTOMOBILE FUELING STATIONS (GAS STATIONS) 26.21
SECTION 26.303. AUTOMOBILE REPAIR GARAGES....26.22
SECTION 26.304. AUTOMOBILE SERVICE CENTERS....26.24
SECTION 26.305. AUTOMOBILE SHOWROOMS AND OUTDOOR SALES AND DISPLAY....26.25
SECTION 26.306. AUTOMOBILE WASH ESTABLISHMENT....26.26
SECTION 26.307. COMMERCIAL USES LARGER THAN 35,000 SQUARE FEET....26.26
SECTION 26.308. DRIVE-THROUGH BUSINESSES, DRIVE-IN BUSINESSES, AND FAST-FOOD RESTAURANTS....26.29
SECTION 26.309. FUNERAL HOMES....26.31
SECTION 26.310. HOTELS, MOTELS AND INNS....26.31
SECTION 26.311. MASSAGE THERAPY....26.32
SECTION 26.312. OPEN AIR BUSINESSES....26.32
SECTION 26.313. OUTDOOR CAFÉS AND EATING AREAS....26.32
SECTION 26.314. PET SERVICES ESTABLISHMENTS....26.35
SECTION 26.315. PLANT MATERIAL NURSERIES....26.35
SECTION 26.316. OFF-PREMISES ALCOHOL SALES OUTLETS....26.36
SECTION 26.317. SMOKE SHOPS....26.39

SECTION 26.400 INDUSTRIAL, RESEARCH AND LABORATORY USES

SECTION 26.401 COMMERCIAL DOG KENNELS....26.42
SECTION 26.402 MEDICAL MARIHUANA CULTIVATION BUILDING AND DISPENSARY REGULATIONS....26.43

SECTION 26.500 OTHER USES

SECTION 26.501 TEMPORARY CONSTRUCTION AND REAL ESTATE SALES 26.46

SECTION 26.502 RESERVED 26.49

SECTION 26.503 EXCAVATION OF LAND, LAND BALANCING, AND FILLING OF LAND 26.49

SECTION 26.504 FARM MARKET 26.54

SECTION 26.505 GENERAL PERFORMANCE STANDARDS 26.55

SECTION 26.506 RESERVED 26.57

SECTION 26.507 RESERVED 26.57

SECTION 26.508 OUTDOOR DISPLAY AND SALES OF CHRISTMAS TREES 26.57

SECTION 26.509 OUTDOOR THEATRES 26.58

SECTION 26.510 OVERNIGHT CAMPING FACILITIES 26.59

SECTION 26.511 ROADSIDE PRODUCE STANDS 26.60

SECTION 26.512 SIMILAR PRINCIPAL PERMITTED AND SPECIAL LAND USES 26.61

SECTION 26.513 STORM WATER BASINS AND SEWAGE TREATMENT FACILITIES 26.62

SECTION 26.514 STRUCTURES AND BUILDINGS OF HISTORIC SIGNIFICANCE 26.64

SECTION 26.515 TEMPORARY EVENTS 26.66

SECTION 26.516 TEMPORARY OUTDOOR SALES EVENTS 26.68

SECTION 26.517 OUTDOOR COLLECTION RECEPTACLES 26.69

SECTION 26.518 WIRELESS COMMUNICATION FACILITIES 26.72

SECTION 26.519 UNDERGROUND UTILITIES 26.73

SECTION 26.520 WIND ENERGY CONVERSION SYSTEMS 26.73

SECTION 26.521 MEDICAL MARIHUANA 26.80

ARTICLE 27 BUILDING FORM AND COMPOSITION

SECTION 27.01. PREAMBLE 27.1

SECTION 27.02. NON-RESIDENTIAL DISTRICTS 27.1

SECTION 27.03. RESIDENTIAL DISTRICTS 27.5

SECTION 27.04. ALTERNATIVE DESIGNS OR MATERIALS 27.7

ARTICLE 28 PARKING, LOADING, AND ACCESS MANAGEMENT

SECTION 28.01. PURPOSE....28.1
SECTION 28.02. SCOPE....28.1
SECTION 28.03. GENERAL STANDARDS....28.1
SECTION 28.04. RESIDENTIAL PARKING STANDARDS....28.3
SECTION 28.05. SCHEDULE OF REQUIRED PARKING BY USE....28.4
SECTION 28.06. DESIGN REQUIREMENTS....28.10
SECTION 28.07. CONSTRUCTION....28.13
SECTION 28.08. OFF-STREET LOADING....28.13
SECTION 28.09. MODIFICATION OF STANDARDS....28.14
SECTION 28.10. MAINTENANCE....28.19
SECTION 28.11. ACCESS MANAGEMENT....28.20
SECTION 28.12. TRAFFIC IMPACT STUDIES....28.21

ARTICLE 29 SCREENING AND LANDSCAPE REQUIREMENTS

SECTION 29.01. PURPOSE....29.1
SECTION 29.02. SCOPE....29.1
SECTION 29.03. GENERAL STANDARDS....29.1
SECTION 29.04. BUFFERYARD REQUIREMENTS....29.5
SECTION 29.05. STANDARDS FOR SPECIFIC AREAS....29.7
SECTION 29.06. PROHIBITED PLANT MATERIALS....29.11
SECTION 29.07. INSTALLATION....29.12
SECTION 29.08. MAINTENANCE....29.13
SECTION 29.09. EXCEPTIONS....29.13
SECTION 29.10. LANDSCAPE PLANS....29.14

ARTICLE 30 SIGNS

SECTION 30.01. PURPOSE....30.1
SECTION 30.02. REGULATIONS.....30.3
SECTION 30.03. SITE SPECIFIC SIGN STANDARDS....30.6
SECTION 30.04. DISTRICT STANDARDS.....30.9
SECTION 30.05. SIGN PERMIT.....30.13
SECTION 30.06. NONCONFORMING SIGNS.....30.15
SECTION 30.07. SIGN REMOVAL BY TOWNSHIP ACTION....30.16

SECTION 30.08. APPEALS AND VARIANCES. 30.17
SECTION 30.09. SUBSTITUTION. 30.17
SECTION 30.10. SEVERABILITY. 30.18

ARTICLE 31 EXTERIOR LIGHTING

SECTION 31.01. PURPOSE.....31.1
SECTION 31.02. SCOPE.....31.1
SECTION 31.03. GENERAL PROVISIONS.....31.1
SECTION 31.04. STANDARDS BY TYPE OF FIXTURE.....31.3
SECTION 31.05. PROHIBITED LIGHTING 31.4
SECTION 31.06. EXEMPT LIGHTING.....31.4
SECTION 31.07. ALTERNATIVES AND SUBSTITUTIONS.....31.5
SECTION 31.08. EXCEPTIONS.....31.5

ARTICLE 32 SPECIAL DEVELOPMENT PROVISIONS

SECTION 32.01. APPROVAL OF LAND DIVISIONS.....32.1
SECTION 32.02. PROTECTION OF WETLANDS AND BODIES OF WATER 32.1
SECTION 32.03. WATER SUPPLY AND SANITARY SEWERS 32.2
SECTION 32.04. SIDEWALKS.....32.2
SECTION 32.05. RESIDENTIAL CLUSTER OPTION.....32.2
SECTION 32.06. ROADSIDE OPEN SPACE PROVISION OPTION.....32.7
SECTION 32.07. GOLF COURSE OPEN SPACE DEVELOPMENT 32.10
SECTION 32.08. LAKE ACCESS 32.13

ARTICLE 33 GENERAL PROVISIONS

SECTION 33.01. ACCESSORY STRUCTURES.....33.1
SECTION 33.02. FENCES 33.5
SECTION 33.03. SWIMMING POOLS, SPAS, AND HOT TUBS 33.8
SECTION 33.04. OPEN PARKING AND STORAGE OF VEHICLES, BOATS, TRAVEL TRAILERS, MACHINERY OR LIKE ITEMS.....33.13
SECTION 33.05. ACCESS THROUGH YARDS.....33.15
SECTION 33.06. PROPERTY MAINTENANCE 33.15
SECTION 33.07. PROPERTY BETWEEN THE LOT LINE AND ROAD.....33.15
SECTION 33.08. VOTING PLACE 33.15

SECTION 33.09. ESSENTIAL SERVICES 33.15

ARTICLE 34 SPECIAL LAND USES

SECTION 34.01. PURPOSE.....34.1
SECTION 34.02. APPLICATION REQUIREMENTS 34.1
SECTION 34.03. SPECIAL LAND USE REVIEW.....34.2
SECTION 34.04. SPECIAL LAND USE RESUBMISSION.....34.5
SECTION 34.05. 34.05 APPEALS.....34.5
SECTION 34.06. SPECIAL LAND USE EXPIRATION 34.5
SECTION 34.07. RESCINDING APPROVAL OF SPECIAL LAND USES 34.6
SECTION 34.08. STANDARDS FOR SPECIAL LAND USE APPROVAL 34.6
SECTION 34.09. COMPLIANCE REQUIRED.....34.7

ARTICLE 35 SITE PLAN REVIEW

SECTION 35.01. PURPOSE.....35.1
SECTION 35.02. SITE PLAN REVIEW REQUIRED 35.1
SECTION 35.03. REQUIRED INFORMATION FOR SITE PLANS. 35.2
SECTION 35.04. SITE PLAN REVIEW PROCEDURES.....35.7
SECTION 35.05. OUTSIDE AGENCY PERMITS OR APPROVALS.....35.8
SECTION 35.06. CONSTRUCTION PLANS.....35.8
SECTION 35.07. APPROVAL OF PHASED DEVELOPMENTS 35.9
SECTION 35.08. SITE PLAN RESUBMISSION.....35.9
SECTION 35.09. APPEALS.....35.9
SECTION 35.10. SITE PLAN EXPIRATION 35.10
SECTION 35.11. RESCINDING APPROVAL OF SITE PLANS.....35.10
SECTION 35.12. REVISIONS TO APPROVED SITE PLANS.....35.10
SECTION 35.13. STANDARDS FOR SITE PLAN APPROVAL 35.10
SECTION 35.14. COMPLIANCE WITH AN APPROVED SITE PLAN.....35.12

ARTICLE 36 CONDITIONAL REZONING

SECTION 36.01. INTENT.....36.1
SECTION 36.02. DEFINITIONS 36.1
SECTION 36.03. ELIGIBILITY.....36.1
SECTION 36.04. MINIMUM STANDARDS.....36.2
SECTION 36.05. PERMITTED CONDITIONS AND LIMITATIONS.....36.2

SECTION 36.06. CONDITIONAL REZONING PETITION AND REVIEW PROCESS....36.3
SECTION 36.07. CONDITIONAL REZONING AGREEMENT....36.5
SECTION 36.08. IMPLEMENTATION AND ENFORCEMENT....36.5

ARTICLE 37 CONDOMINIUM REGULATIONS

SECTION 37.01. PURPOSE....37.1
SECTION 37.02. CONDOMINIUM UNIT REQUIREMENTS....37.1
SECTION 37.03. REVIEW REQUIREMENTS....37.2
SECTION 37.04. REQUIRED PLAN INFORMATION....37.4
SECTION 37.05. PROJECT STANDARDS....37.6
SECTION 37.06. MONUMENTS....37.7
SECTION 37.07. POST CONSTRUCTION REQUIREMENTS....37.8

ARTICLE 38 PLANNED UNIT DEVELOPMENT (PUD)

SECTION 38.01. PURPOSE....38.1
SECTION 38.02. QUALIFYING CONDITIONS....38.1
SECTION 38.03. PUD REVIEW PROCESS....38.2
SECTION 38.04. PUD APPLICATION SUBMITTAL REQUIREMENTS....38.7
SECTION 38.05. PUD SITE PLAN REVIEW....38.8
SECTION 38.06. REGULATORY FLEXIBILITY....38.8
SECTION 38.07. PROJECT DESIGN STANDARDS....38.8
SECTION 38.08. STATUS OF TOWNSHIP BOARD APPROVAL....38.10
SECTION 38.09. REVOCATIONS OR CHANGES....38.11
SECTION 38.10. APPEALS AND VIOLATIONS....38.11

ARTICLE 39 NONCONFORMITIES

SECTION 39.01. INTENT AND PURPOSE....39.1
SECTION 39.02. SCOPE....39.1
SECTION 39.03. NONCONFORMING STRUCTURES....39.1
SECTION 39.04. NONCONFORMING LOTS OF RECORD....39.4
SECTION 39.05. NONCONFORMING SITES....39.6
SECTION 39.06. NONCONFORMING USES....39.6
SECTION 39.07. NONCONFORMING USE DETERMINATIONS....39.7

SECTION 39.08. CESSATION OF A NONCONFORMING USE BY TOWNSHIP ACTION 39.9
SECTION 39.09. SUBSTITUTION OF NONCONFORMING USES 39.9
SECTION 39.10. UNLAWFUL USES 39.9
SECTION 39.11. CHANGE OF TENANCY OR OWNERSHIP 39.9

ARTICLE 40 PLANNING COMMISSION

SECTION 40.01. AUTHORITY 40.1
SECTION 40.02. JURISDICTION 40.1
SECTION 40.03. RULES OF PROCEDURE 40.1
SECTION 40.04. POWERS AND DUTIES 40.1

ARTICLE 41 ZONING BOARD OF APPEALS

SECTION 41.01. AUTHORITY 41-1
SECTION 41.02. MEMBERSHIP 41-1
SECTION 41.03. ALTERNATES 41-2
SECTION 41.04. RULES OF PROCEDURE 41-2
SECTION 41.05. APPLICATIONS 41-3
SECTION 41.06. ADMINISTRATIVE APPEALS 41-4
SECTION 41.07. INTERPRETATION OF ZONING DISTRICT BOUNDARIES 41-5
SECTION 41.08. INTERPRETATION OF ZONING ORDINANCE PROVISIONS 41-5
SECTION 41.09. VARIANCES 41-5
SECTION 41.10. EXCEPTIONS 41-6
SECTION 41.11. HEARINGS AND DECISIONS 41-6
SECTION 41.12. FEES 41-6
SECTION 41.13. LIMITATIONS OF AUTHORITY 41-7
SECTION 41.14. APPEAL OF ZONING BOARD OF APPEALS DECISIONS 41-7

ARTICLE 42 SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION

SECTION 42.01. SEVERABILITY 42.1
SECTION 42.02. REPEAL OF PREVIOUS ORDINANCES 42.1
SECTION 42.03. SAVINGS CLAUSE 42.1

SECTION 42.04. ADOPTION.....42.1
SECTION 42.05. EFFECTIVE DATE 42.2

ARTICLE 1
ADMINISTRATION AND ENFORCEMENT

SECTION 1.01. Intent and Purpose

This Zoning Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, use of land and buildings, and all other purposes described in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended). It is further the intent of this Zoning Ordinance to carry out the policies of the Charter Township of Commerce Master Plan. This Zoning Ordinance is adopted to protect and promote the public health, safety, comfort, convenience, prosperity, and general welfare of residents and business owners of the Township.

More specifically, the purposes of this Zoning Ordinance are to enable, encourage, and qualify the implementation of the following policies:

1. That the Township should retain its natural features and visual character derived from naturalized open spaces, topography, woodlands, lakes, and riparian corridors.

2. New development shall reflect the forms and character of existing development that best represents the character and identity of the area in the Township in which the development is located.

3. That growth strategies encourage infill and redevelopment equally with new development.

4. That transportation, road capacity, and utilities should be planned and reserved in coordination with land use.

5. That the Township should include pedestrian and bicycle systems to supplement automobile transportation and provide opportunities for recreation and exercise.

6. That the Village and the Town Center should be pedestrian friendly and mixed use.

7. That the range of open space including parks, squares, and playgrounds should be distributed throughout the Township.

8. That buildings and landscaping should contribute to the physical definition of thoroughfares as civic places.

9. That development should adequately accommodate automobiles while respecting the pedestrian.

10. That the architecture and landscape design should reflect the local climate, topography, history and building practice.

11. That civic buildings and public gathering places should be provided in locations that reinforce community identity.

SECTION 1.02. Scope

The standards and regulations of this Zoning Ordinance shall apply to all land, buildings, structures, uses, and land development projects established or commenced after the effective date of this Zoning Ordinance. The effective date of this Zoning Ordinance is _____. Accordingly, no lots, units or parcels may be created or altered, nor shall any land use be established, changed or commenced, nor any building or structure constructed, altered, or extended, except in compliance with this Zoning Ordinance.

A. Minimum Requirements

The provisions of this Zoning Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, comfort, convenience, prosperity, and general welfare.

B. Relationship to Other Ordinances or Agreements

1. This Zoning Ordinance is not intended to repeal or annul any ordinance, rule, or regulation previously adopted, permit issued, or agreement entered into which is not in conflict with this Zoning Ordinance

2. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Zoning Ordinance.

3. Where the regulations of this Zoning Ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules or regulations, the requirements of this Zoning Ordinance shall govern.

C. Unlawful Structures and Uses

A structure or use not lawfully existing at the time of adoption of this Zoning Ordinance shall not be made lawful solely by adoption of this Zoning Ordinance.

D. Vested Right

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

SECTION 1.03. Short Title

This Zoning Ordinance shall be known and may be cited as the Commerce Township Zoning Ordinance.

SECTION 1.04. Enabling Authority

The Zoning Ordinance has been prepared for and adopted by the Township Board of Trustees of the Charter Township of Commerce under the authority of the Michigan Zoning Enabling Act 110 of 2006 as amended), following compliance with all procedures required by this Act.

SECTION 1.05. Compliance Required

No structure, site or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this Zoning Ordinance.

SECTION 1.06. Authority, Duties, and Responsibilities

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons who are charged with administering, implementing, and enforcing the provisions of this Ordinance:

1. Township Board.
2. Planning Commission.
3. Zoning Board of Appeals.
4. Township Supervisor.
5. Township Clerk.
6. Designated zoning officials, including the Planning Director and Building Director.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

A. General Limitations

The Building Director and any other Township officials or representatives as designated and authorized by the Township Board shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Ordinance or as directed by the Township Board for the purpose of implementing these regulations.

1. All zoning officials shall administer and enforce this Ordinance precisely as written, and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance. Under no circumstances shall any zoning official ignore the terms of this Ordinance in carrying out designated duties.

2. No plans shall be approved or permits issued except in conformance with all applicable provisions of this Ordinance. Permits issued, plans approved, and approvals given that are not in compliance with this Ordinance are void and without effect.

3. Upon determining that an application complies with all applicable requirements of this Ordinance, zoning officials shall not refuse to grant approval, despite violations of private contracts, covenants or private agreements that may occur upon such approval.

B. Township Board Authority and Responsibilities

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** Pursuant to Public Act 110 of 1996, as amended, the Township Board shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Article 3. Adoption of any change to this Ordinance shall be by an amendatory ordinance.

2. **Review and approval of planned unit developments**. Township Board review and approval shall be required for all planned unit developments, in accordance with Article 38 (Planned Unit Developments).

3. **Setting of fees.** Fees for permits, applications, and requests for action pursuant to this Ordinance shall be as set forth in the Township's Fee Ordinance. In the absence of specific action taken by Township Board to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

4. **Appointment, oversight, and removal of zoning officials.** The Planning Director and his or her designees shall act as officers for the proper administration of this Ordinance. The Township Building Director and his or her designated assistants shall act as officers for the proper enforcement of this Ordinance.

    a. The Building Director shall be appointed by the Township Board for such term, rate of compensation, and employment terms and conditions as the Board shall determine.

    b. The Planning Director or Building Director may be removed from office by the Township Board in accordance with such employment terms and conditions as the Board shall determine.

    c. The duties and responsibilities of the Planning Director and Building Director positions may be vested in one (1) person; divided among two (2) or more persons; or delegated to designated consultants, as the Township Board may determine.

C. Planning Commission Authority and Responsibilities

The Planning Commission shall have the authority and responsibilities specified in Article 40 (Planning Commission) of this Ordinance.

D. Zoning Board of Appeals Authority and Responsibilities

The Zoning Board of Appeals shall have the authority and responsibilities specified in Article 41 (Zoning Board of Appeals) of this Ordinance.

E. Township Supervisor Authority and Responsibilities

The Township Supervisor, as chief administrative official for Commerce Township, shall have the responsibility for administrative oversight and enforcement of this Ordinance.

F. Township Clerk Authority and Responsibilities

The Township Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

1. Publish all notices required by these regulations, or verify such publication through the Planning Department.

2. Maintain official records and file all official minutes and documents in an orderly fashion.

3. Perform other related duties required to administer these regulations.

G. Planning Director Duties and Responsibilities

Commerce Township may employ a Planning Director, who may be a member of Township staff; or an individual, firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the Township Board, Planning Commission or other authorized Township body or official, the Planning Director shall act as its officer for the proper administration of this Ordinance. The Planning Director shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine. The Planning Director shall be responsible for administration of this Ordinance and other responsibilities, as follows:

1. The Planning Director shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning and land use matters.

2. The Planning Director shall periodically report to Township Board and Planning Commission on the status of Township's zoning administration.

3. The Planning Director shall distribute all applications for zoning or development approval to designated Township officials and consultants for review and comment (including applications for site plan review, special use review, and planned unit development review).

4. The Planning Director shall arrange for the publication of all notices required by these regulations, and assist the Township Clerk with such publication.

5. The Planning Director shall forward to the Township Board, Planning Commission, and the Zoning Board of Appeals, all materials related to completed

applications recommendations, petitions or other matters on which the board or commission is required to act.

6. The Planning Director shall, in consultation with the Township Clerk, maintain the current Official Zoning Map of the Township and an up-to-date Zoning Ordinance text by recording all adopted amendments.

7. The Planning Director shall review and approve zoning related applications in compliance with the provisions of this Ordinance.

8. The Planning Director shall initiate investigations into alleged violations of these regulations in consultation with the Building Director and Township Board.

9. The Planning Director shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Board.

10. The Planning Director shall prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.

11. The Planning Director shall advise and assist the Township Board, Planning Commission, Zoning Board of Appeals, and other authorized Township bodies or officials; and be responsible for carrying out the directives of the Planning Commission.

12. The Planning Director shall assist the Planning Commission with the performance of its duties.

13. The Planning Director shall review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.

14. The Planning Director shall at the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township

H. Building Director Duties and Responsibilities

The provisions of this Ordinance shall be enforced by the Building Director, deputies of his/her department, and such other persons as the Township Board may designate.

1. The Building Director shall have the authority to investigate complaints of Ordinance violations; issue warnings and citations; and make inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.

2. If the Building Director shall find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible in writing for such

violations, indicating the nature of the violation and ordering the action necessary to correct it.

a. The Building Director shall order discontinuance of any unlawful work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.

b. The Building Director shall be responsible for making periodic inspections of the Township or parts thereof for the purpose of finding violations of this Ordinance.

c. The Building Director shall periodically report to the Planning Commission and Township Board on the status of the Township's enforcement activities.

SECTION 1.07. Enforcement

The standards and requirements of this Zoning Ordinance reflect obligations to the community at large, and violations of this Zoning Ordinance shall be considered a nuisance per se. The Township's zoning official(s) shall, upon determining that any provision of this Zoning Ordinance has been violated, take such necessary actions authorized by this Zoning Ordinance to ensure compliance with the provisions of this Zoning Ordinance.

A. Inspection of Violation

The zoning official(s) shall investigate each alleged violation and shall order a correction in writing for all conditions found to be in violation of this Zoning Ordinance.

B. Cost of Enforcement

1. The costs to enforce compliance with this Zoning Ordinance shall be borne by the property owner. This includes, but is not limited to, attorney fees, court costs, and other costs associated with such enforcement, whether the relief sought is civil, criminal, legal or equitable in nature. The Township shall be entitled to injunctive relief, the cost of which will also be borne by the property owner.
2. Any performance guarantee posted for a permit or certificate may be applied towards said enforcement costs.

SECTION 1.08. Zoning Permits

The Building Director shall have the authority to grant zoning permits for work subject to the provisions of this Zoning Ordinance. No building, structure, site or use shall be established, occupied, used, erected, moved, enlarged, repaired or altered unless a zoning permit shall have been first issued for such work. No permit shall be issued unless the request is in conformance with the provisions of this Zoning Ordinance. Zoning permits shall be subject to the following:

A. Application

Zoning permit applications shall be filed with the Building Director, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Building Director to determine whether the proposed improvements

conform to the applicable provisions of this Zoning Ordinance. The Building Director may require submittal of plans and specifications drawn to scale and showing the following:

1. The actual shape, location, and dimensions of the lot.

2. The shape, size, and location of any existing structures on the lot, and all structures to be erected, altered or moved, and of any building or other structures already on the lot.

3. The existing and intended use of the lot and of all structures upon it, including floor area devoted or intended for each use, and the number of dwelling units a residential principal building is intended to accommodate.

4. The location and dimensions of any existing and proposed yards, open space, and parking areas.

5. Proposed setbacks of structures from lot lines, road rights-of-way, zoning district boundaries or other site features.

6. Any other information deemed necessary by the Planner to determine compliance with the applicable provisions of this Zoning Ordinance.

The Building Director may waive the required submittal of plans if it is determined such plans are not necessary to determine compliance with this Zoning Ordinance.

B. Permit Issuance

Issuance of permits under this Zoning Ordinance shall be subject to the following:

1. No permit shall be issued until the Building Director has received notification of final approval of a site plan, special condition use or other necessary approval from the Planning Commission, including any conditions of approval or issuance of variances.

2. The Building Director shall not issue a zoning permit for proposed work that fails or has not been determined to conform to all applicable provisions of this Zoning Ordinance. The Building Director shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms to all applicable provisions of this Zoning Ordinance.

3. In all cases where the Building Director shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.

C. Revocation

The Building Director may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Zoning Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Building Director shall notify the owner of such revocation in writing.

D. **Duration**

Permits for primary structures shall be valid for one (1) year. The Building Director may renew such permit if the renewal is requested in writing by the applicant prior to the expiration of the previous permit. Renewal shall be subject to inspection and payment of a fee as established by the Township Board. Permits for all accessory structures, such as decks, pools, garages, etc, shall be valid for six (6) months. The Building Director may renew such permit if requested in writing by the applicant and shall be subject to inspection and payment of fees as set forth in the Township Fee Ordinance.

If no inspections have been performed for six (6) months or more such zoning permit shall be automatically revoked.

E. **Zoning Inspections**

It shall be the duty of the holder of every permit to notify the Building Director of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Building Director or other designated zoning official to inspect work performed under an approved permit to verify compliance with the provisions of this Zoning Ordinance.

SECTION 1.09. Certificates

No land, building, or part thereof, shall be occupied by or for any use for which a Building Permit is required unless and until a certificate of occupancy has been issued for such new use. The following shall apply in the issuance of any certificate:

A. **Certificates Not to Be Issued**

No certificates of occupancy shall be issued for any building, structure or part thereof or for the use of any land, which is not in compliance with all the provisions of this Zoning Ordinance.

B. **Certificate of Occupancy**

No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or permitted to be occupied or used unless and until a Certificate of Occupancy has been issued for such building or structure.

C. **Certificates of Occupancy as Required by the Commerce Charter Township Code**

Certificates of occupancy, as required by the Commerce Charter Township Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Zoning Ordinance.

D. **Certificates for Existing Buildings**

Certificates of Occupancy may be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Zoning Ordinance.

E. **Records of Certificates**

A record of all certificates issued shall be kept on file in the office of the Building Director.

F. **Certificates for Dwelling Accessory Buildings**

Buildings accessory to dwellings shall not require separate certificates of occupancy but may be

included in the Certificate of Occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

G. **Applications for Certificates**

Applications for Certificates of Occupancy shall be made in writing to the Building Department on forms furnished by the Township and such certificates shall be issued within ten (10) business days after receipt of such application if it is found that the building or structure, or part thereof: or the use of land is in accordance with the provisions of this Zoning Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such-refusal and cause thereof within the aforesaid ten (10) day period.

H. **Temporary Certificates of Occupancy**

A temporary certificate of occupancy may be issued if the property owner is in compliance with the Township Ordinances for a portion of a building or structure in the process of erection or alteration. Any temporary certificate of occupancy shall require completion of site improvements within a stated time.

1. **Duration of Certificates of Occupancy.** A temporary certificate of occupancy shall not be effective for more than six (6) months. Thereafter occupancy may only be continued under a final Certificate of Occupancy.

2. **Unfinished Site Improvements.** All unfinished site improvements which are included on an approved site plan or which are otherwise required by this Zoning Ordinance shall be constructed, installed, or placed on the property and shall be approved by the Township by the time set forth on the temporary Certificate of Occupancy, but in no case later than six (6) months after obtaining a temporary Certificate of Occupancy.

3. **Performance Guarantees for the Non-single Family Residential Structures.** An applicant seeking occupancy of premises other than a single family residential dwelling, prior to the completion of all construction in accordance with an approved site plan and without meeting all of the requirements of the Township's Ordinances shall deposit a performance guarantee as provided by this Zoning Ordinance, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the remaining improvements. As used in this subsection, improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township. Failure to maintain the performance guarantee in the required amount shall result in termination of the temporary Certificate of Occupancy and the structure shall be vacated immediately.

4. **Performance Guarantees, for Single Family Residential Structures.** Whenever an applicant seeks occupancy of a single family residential dwelling prior to the completion of all construction in accordance with an approved site plan and the requirements of the Township's Ordinances, an applicant shall be required to provide an amount up to one hundred twenty-five percent (125%) of the actual cost of completion of all construction and site improvements. The estimate of said costs shall be solely at the discretion of the Building Department and engineers employed by the Township. As used in this subsection,

improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township. Failure to maintain the performance guarantee in the required amount shall result in termination of the temporary Certificate of Occupancy and the structure shall be vacated immediately**.**

I. Final Certificate of Occupancy, Minor Exterior Improvements Not Completed

A final Certificate of Occupancy may be issued if the property owner is entitled to a final Certificate of Occupancy under the Building Code if the Building Director finds that there are minor exterior site plan requirements that remain to be finished, provided there is compliance with the additional requirements of this subsection.

1. **Unfinished Site Improvements:** All unfinished site improvements which are included on an approved site plan or are otherwise required by this Zoning Ordinance, shall be constructed, installed, or placed on the property and approved by the Township Building Department within six (6) months of obtaining a final Certificate of Occupancy.

2. **Performance Guarantees For Non-Single Family Residential Structures:** Whenever an applicant seeks occupancy of premises other than a single family residential dwelling prior to the completion of all construction in accordance with an approved site plan and the requirements of the Township's ordinances, the applicant shall deposit a performance guarantee as provided by this Zoning Ordinance, to the Township in an amount equal to two hundred percent (200%) of the estimated cost of the remaining improvements. The estimate of said costs shall be solely at the discretion of the Building Director and the engineers employed by the Township. As used in this subsection, improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township.

3. **Final Certificate for Single Residential Structures.** Whenever an applicant seeks occupancy of a single family residential dwelling, prior to the completion of all construction in accordance with an approved site plan, the Township's Ordinances and requirements, the applicant shall be required to post an amount equal to two hundred percent (200%) of the estimated cost of the remaining improvements. The estimate of said costs shall be solely at the discretion of the Building Director and engineers employed by the Township. As used in this subsection, improvements are defined as those features and actions associated with the project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of the Township.

J. Grading Statement

Permanent Certificates of Occupancy shall not be issued until a grading statement has been received and approved by the Building Director. Temporary Certificates of Occupancy may be

issued as provided in this Zoning Ordinance if a performance guarantee is posted with the Township in the amount specified by the Township Fee Ordinance. Performance guarantees shall be released only upon satisfactory completion of grading and the submission and approval of a grading statement. The grading statement shall indicate that the final grade has been established in accordance with the approved grading plan (subdivision, condominium or other approved site plan) and must include the following:

1. Building permit number
2. Date permit was issued
3. Site address
4. Legal description of property
5. Date of survey
6. Signature and seal of land surveyor or engineer registered and licensed in the State of Michigan.
7. A site plan with "as built" elevations shown at grade points. The site plan must show elevations on adjacent property within 15 feet of the property line. Final "as built" grades shall be in substantial compliance with the approved site plan with an allowable tolerance of plus or minus 0.25 feet.

For sites that do not have an approved grading plan, the grading statement shall contain the information required by this section and in addition shall establish the following:

1. Drainage across the site has not significantly changed as a result of construction on the site.
2. Drainage from adjoining sites is not blocked or adversely affected.
3. Final grade is within 1.5 feet from the pre-construction grade.
4. Drainage is directed away from all structure(s) inc1uding any walkout basement.
5. Water will not pool on the site except in designated areas.

A grading statement shall not be required for landscaping projects and gardening.

K. Violations

The person, firm or corporation occupying a building or structure without a final or temporary Certificate of Occupancy or occupying a building or structure with a temporary or final Certificate of Occupancy but in violation of the time limits and/or conditions set forth by this section shall be in violation of this Zoning Ordinance giving rise to the penalties and remedies provided herein.

1. Building and zoning permits shall be denied to any person, business, firm or corporation in whose name the building permit was issued and who occupies a building illegally. This section applies to all other buildings owned or held by the responsible person, business, firm, corporation or party within the business, firm or corporation.

L. **Failure to Obtain Certificate of Occupancy**

The Township, in addition to the remedies and penalties contained elsewhere in this Zoning Ordinance and its other Ordinances, shall have the discretion to take the following actions to insure the property and buildings are not illegally occupied:

1. **Notice to public.** Notice shall be posted on the building or structure in a conspicuous location that notifies the public that the structure is being occupied illegally. The notice shall contain the following:
   a. A warning that states entering said structure may be dangerous because the structure has not been determined to be safe by the Building Department.
   b. A list of conditions necessary to satisfy this Zoning Ordinance.
   c. A warning that if the violations are not corrected within one (1) full working day, the Township has the authority to deny access to the premises, building or structure.
2. **Show Cause Hearing.** The owner, permittee or person occupying the structure may request a hearing before the Building Director within one (1) full business day of the posting of the notice to the public to show cause why access should not be denied to the structure. Access will not be denied if the owner, permittee or person occupying the structure can show compliance or mistake. The burden of proof is on the party challenging the closure of the premises.
3. **Denial of Access**. If the holder of the permit or the person occupying the structure fails to correct the violations within one (1) full business day after notice is posted, the Township shall have the authority to deny access to the premises, building or structure until it is in full compliance with this and all other ordinances and requirements.

M. **Final Inspection**

The holder of every Building Permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Director immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 1.10. Fees

A. The Township Board shall, in its Fee Ordinance, establish a schedule of fees for all permit applications and other reviews and approvals required by this Zoning Ordinance, subject to the following:
   1. **Purpose.** These fees shall be used for the purpose of defraying the cost of reviews, inspections, and the issuance of zoning approvals, permits or certificates required or issued under the provisions of this Zoning Ordinance.
   2. **Fee for service.** Required fees may be collected by the Township in advance of the performing of the service or issuance of permits or certificates. No action shall be taken on any application or appeal until the application is accurate and complete and all applicable fees, charges, and expenses have been paid in full.

3. **Fees in escrow for professional reviews.** The Township may require an escrow deposit with any application for approval under this Zoning Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, attorneys, community planners, and any other professionals whose expertise the Township values to review the proposed application.

   a. The amount of the escrow deposit shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused escrow balance shall be returned to the applicant within 60 days of final Township action on the applicant's request, or within 60 days of withdrawal of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the Township.

   b. The professional review may result in a written report indicating the extent of conformance or nonconformance with this Zoning Ordinance, and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

SECTION 1.11. Performance Guarantees

A. To ensure compliance with this Zoning Ordinance and faithful completion of improvements shown on an approved site plan or required as part of any zoning approval authorized under this Zoning Ordinance, the Township may require that the applicant deposit with the Township a performance guarantee to cover the cost of such improvements. Requirement of such performance guarantees by the Township shall be governed by the Commerce Charter Township Code and administered in accordance with the following:

   1. Such guarantees shall be deposited prior to the start of work or issuance of any permits.

   2. “Improvements” shall include but not be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and general welfare of residents of the Township and future users of the project including, but not limited to roadways, shared driveways, lighting, utilities, sidewalks, landscaping and screening, and drainage.

SECTION 1.12. Violation and Penalties

A. The violation of any provision of this Zoning Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a

municipal civil infraction, for which the fine shall be as set forth in the Township's Fee Ordinance.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Zoning Ordinance.

2. Any violation of this Zoning Ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.

3. For purposes of this Section, the term "subsequent offense" shall mean a violation of the provisions of this Zoning Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.

4. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

B. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Zoning Ordinance. Persons having responsibility for work in violation of this Zoning Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

ARTICLE 2

DEFINITIONS

SECTION 2.01. Rules of Construction

The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, this text shall control.
3. The word "shall" is always mandatory and not discretionary; the word "may" is permissive and discretionary.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
6. The word "dwelling" includes "residence." The word "lot" includes the words "plot," "unit," and "parcel."
7. The word "used" includes "arranged," "designed," "intended," or "occupied."
8. The terms "Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance of the Charter Township of Commerce and any amendments thereto.
9. The terms "abutting" or "adjacent to" includes land across a zoning or governmental boundary, property line, alley, or access easement.
10. The phrase "such as" shall mean "such as but not limited to," and the words "include" or "including" shall mean "including but not limited to."
11. The word "person" includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a "person" under the laws of Michigan.
12. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:

    a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

13. Words or terms defined in this Article shall be construed as defined herein. Words or terms not defined in this Article shall be defined in terms of their common or customary usage or as defined in the Commerce Charter Township Code.
14. Terms referred to in the masculine gender include the feminine.

15. Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

SECTION 2.02. Definitions

Access: A means to provide vehicular entrance to or exit from a parcel.

Access Management: Controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road.

Accessory Use or Structure: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusively related.

Acre (Gross): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area including all the area within the legal description of the parcel, and the area within the right-of-way as adopted by the Road Commission for Oakland County, Michigan.

Acre (Net): A parcel of land forty-three thousand five hundred and sixty (43,560) square feet in area exclusive of floodplains, wetlands and watercourses, area under water and exclusive of area within the existing or proposed right-of-way requirements as adopted by the Road Commission for Oakland County, Michigan.

Adult Foster Care Facility:

1. Adult Foster Family Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time adult foster care family home pursuant to Public Act 218 of 1979, as amended, for not more than six (6) adults who are unrelated to the other occupants thereof and are given care and supervision for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

2. Adult Foster Care Small Group Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family group home pursuant to Public Act 218 of 1979, as amended, for at least seven (7) but not more than twelve (12) adults who are provided supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law.

3. Adult Foster Care Large Group Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family group home pursuant to Public Act 218 of 1979, as amended, for at least

thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care and protection, in addition to room and board, for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law.

4. Adult Foster Care Congregate Facility: A foster care facility pursuant to Public Act 218 of 1979, as amended, for more than twenty (20) adults who are provided supervision, personal care, and protection, in addition to room and board, for twenty-four (24) hours a day, for five (5) or more days a week, and for two (2) or more consecutive weeks, by or under the supervision of the licensee under said State Law.

Agriculture: Any use of substantially undeveloped land, of five (5) acres or more in size, for the production of plants, animals, and poultry useful to man, including forages and sod crops, grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; vegetables; Christmas trees; and other similar uses and activities.

Agritourism: Uses associated with farming and agricultural operations intended to expose the public to rural and farm activities while providing farm produce, food & beverage products, entertainment, rural and farm related products, services, special events, and other activities intended to attract visitors and customers during the growing and harvest seasons and throughout the farm year with the purpose of making it economically feasible to retain open space and farming activities once predominate in what has become an urban township. The nature of the operation is intended to encourage preservation of open space, foster and encourage agricultural activities while attempting to minimize the conversion of open space and farmland to urban uses. The agritourism classification is intended to provide flexibility to the farm operator to sell products, provide services, and develop attractions conducive to preservation of farmland and open space within the Township.

Alley: Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition or modification to a structure or type of occupancy, and change in the structural members of a building such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed”.

Alternative Nicotine Product: Any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include a tobacco product, a vapor product, food, or a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360f.

Apartments: A living unit in a residential multiple dwelling structure that contains three (3) or more dwelling units.

Ashes: The residue from the burning of wood, coal, coke or other combustible materials.

Attached Housing Unit: An attached housing unit is a self contained unit that is physically attached to other such units. Townhouses and patio houses are types of attached housing units.

Automobile Dealership: A place where automobiles, vans, trucks, and similar vehicles are sold, and where service may be carried out for minor repair and servicing, and where bumping and painting is clearly accessory to the use.

Automobile Fueling Station. A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Automobile Repair Station. An enclosed building where minor and major motor vehicle repair services may be carried out.

Automobile Repair Major. Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.

Automobile Repair Minor**.** Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.

Automobile Service Center**.** A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

Automotive Service Annex: A place where automobile service may be carried out for minor repair and servicing of automobiles, together with the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, and only when the location of such Automotive Service Center is architecturally designed and located on the site so as to become an integral part of the interior of a larger planned shopping center complex.

Automobile Repair Garage: A place where the following activities may be carried out: vehicle body repair, engine rebuilding or repair, painting, upholstery work, auto glass work and miscellaneous auto repairs.

Basement: That portion of a building which is partly below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, and is not habitable except that residency can be permitted in an earth sheltered dwelling as otherwise permitted in this ordinance. (See Illustration.)

Bed-and-Breakfast**:** A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, including provisions for a morning meal for overnight guests only.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be utilized for visual and/or audible screening purposes.

Bioswale: Landscape elements designed to reduce silt and pollution from surface runoff water. Bioswales consist of a swaled drainage course with gently sloped sides (less than six percent), which is filled with vegetation, compost and/or riprap. The water's flow path, along with the wide and shallow ditch, are designed to maximize the time water spends in the swale, which aids the trapping of pollutants and silt.

Block: The property abutting one side of a road and lying between the two nearest intersecting roads.

Board of Appeals: The Zoning Board of Appeals of the Charter Township of Commerce.

Building: A structure, either temporary or permanent, having a roof supported by columns, or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for the purposes of shelter or enclosure of persons, animals, chattels, or property of any kind.

Buildable Area: The buildable area of a lot or parcel is the space remaining after yard, parking, septic system, or any other requirements of this ordinance have been met. This definition does not waive Federal, State, County or other applicable requirements.

Building, Accessory: A building that is subordinate in size, area, extent or purpose to the principal use or structure and located on the same lot or parcel of the principal use or structure, the use of which is clearly incidental to that of the principal use or structure.

Building Director: The Director of Building, Zoning, and Water & Sewer or his/her successor or designee.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Height: The vertical distance measured from the established grade to the highest point of the roof's surface for flat roofs; to the deck line on mansard roofs; and to the average height between the eaves and ridge for gable and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall. (See Illustration.)

Building Line: A line formed by the face of the building, and for the purpose of this ordinance, a building line is the same as a front setback line.

Campground: See definition of Travel Park.

Child Care Organization: A facility for the care of children under eighteen (18) years of age, licensed and regulated by the State under Public Act No. 116 1973, as amended, and associated rules promulgated by the State Department of Social Services. Such organizations shall further be defined as follows:

1. Child Care Center or Day Care Center: A facility, other than a private residence, receiving more than twelve (12) preschool or school age children for group care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two (2) consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care center. "Child Care Center" or "Day Care Center" does not include instruction solely for religious purposes conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. Group Day Care Home: A private house in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family that occupies the house by blood, marriage or adoption. It includes only those homes which give care to unrelated children for more than four (4) weeks during a calendar year.

3. Family Day Care Home: A private house in which one (1) but less than seven (7) minor children, are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family that occupies the house by blood, marriage or adoption. It includes only those homes which give care to at least one unrelated child for more than four (4) weeks during a calendar year.

Child Foster Care Facilities:

1. Child Foster Family Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster family home pursuant to Public Act 116 of 1973, as amended, for more than one (1), but not more than four (4) minor children who are unrelated to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Public Act 288 of 1939, as amended, are given care and supervision for twenty-four (24) hours a day for four (4) or more days a week for two (2) or more consecutive weeks, by or under the supervision of Licensee under said State Law and are unattended by a parent or legal guardian.

2. Child Foster Family Group Home: A private home or residence, other than a hospital, hotel or motel, and which is licensed by the State of Michigan as a full time foster

family home pursuant to Public Act 116 of 1973, as amended, for more than four (4), but less than seven (7) minor children who are unrelated to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, Public Act 288 of 1939, as amended, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, by or under the supervision of the Licensee under said State Law and unattended by a parent or legal guardian.

Clinic: A place for the care, diagnosis and treatment of sick or injured persons, and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but shall not include facilities for in-patient care or major surgery.

Club: An organization of persons for special purposes, such as for the promulgation of sports, arts, science, literature, politics or the like, but not for profit.

Commercial Use: "Commercial Use" relates to the use of property in connection with, or for, the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services and the maintenance or operation thereof of offices, or recreational or amusement enterprises.

Convalescent or Nursing Home: A licensed facility with sleeping rooms, where disabled persons are housed or lodged and are furnished with meals, nursing and/or medical care for three (3) or more persons.

Development: The construction of a new use or building, or other structure on a lot or parcel, the relocation of an existing use or building on another lot or parcel, or the use of acreage or open land for a new use or building.

Direct Lake Access: Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.

District: A portion of the unincorporated part of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dog Daycare Center: A commercial establishment where four (4) or more dogs are left by their owners for supervised care, play and social interaction with other dogs at the establishment, which may offer accessory services such as retail sale of dog care supplies, grooming and short-term boarding, subject to the provisions of this Zoning Ordinance.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Drive-in Restaurant: A business establishment for the serving of food and/or beverages, with driveways and approaches so developed and designed so as to serve patrons while in the motor

vehicle, or permit patron self-service for consumption within motor vehicles, as differentiated from a restaurant with indoor seating only, even though the establishment may have some indoor seating.

Drive-Through Restaurant: Establishments where patrons, without leaving their motor vehicles, pick up food to be eaten off premises.

Driveway: Any vehicular access from a public or private road to one (1) residence, single occupant building or lot, or serving an essential public service structure. It shall include a way for ingress and egress leading from a public or private road to a parking lot or other area accessory to a single non-residential use being served. Only that portion which is intended for the exclusive use of a single residence or single non-residential permitted use shall be considered a driveway.

Dry Cleaning Establishment: An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

Dry Cleaning Plant: A building, portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel or articles of any sort by immersions only, in volatile solvents including, but not limited to solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one (1) family.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, in separate units, and living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof designed exclusively for occupancy by three (3) or more families, in separate units, and living independently of each other.

Engineer: The full time or consulting engineer of the Township.

Entrance Ramp: A roadway connecting a feeder road with a limited access road and used for access onto such limited access road.

Erection: Any physical operations on the premises which are required for construction or moving on, including reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water

transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general health, safety, or welfare.

Excavation: Excavation shall mean any breaking of the ground to hollow out by cutting, digging, or removing any soil or rock matter, except for common household gardening and general farm care.

Exit Ramp: A roadway connecting a limited access road with a feeder road and used for access from such limited access road to a feeder road.

Expand: Means to increase the extent, number, volume, importance, or scope. To become larger or more extensive.

Family: For the purposes of this Ordinance a family shall be defined as:

1. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are living as a single nonprofit housekeeping unit, including unrelated persons living together as a single housekeeping unit in a Recovery Home who meet the definition of handicapped under the Federal Fair Housing Act and Michigan law. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period, nor shall it include residents of a State licensed residential facility except to the extent required by PA 110 of 2006, as amended.

Farm Market: A retail facility located in a permanent structure, which adjoins active farmland, and is intended for the sale of farm products. A Farm market may also include uses to promote the sale of farm produce and related goods, such as, but not limited to, a cider mill, bakery, hay rides, you-pick activities, and so forth.

Fast Food Restaurant: A self service or drive-through restaurant which sells food and beverage in disposable containers or wrappers for consumption inside or outside of the building, in motor vehicles, or off premises.

Fence: A barrier of fabric or material, and of definite height and location.

Fence, Obscuring: A barrier of sufficient height and location to serve as an obscuring screen or buffer.

Fence, Ornamental: An architecturally attractive fence that obscures no more than 50% of the landscape when viewed from an angle perpendicular to the fence. Ornamental fences are often of the rail or wrought iron type. A chain link or privacy fence is not considered ornamental. Furthermore, ornamental fences should complement the principal structure and/or be designed in such a way that it is of an integral design of the principal structure; earthtones or those colors that are used on the principal structure should also be used.

Filling: The depositing, removal, redistribution or placement of soil on land in a manner which alters the pre-existing contour or elevation of said land.

Firearm: An instrument which is capable of propelling missile by means of exploding or burning powder.

Floodplain: The "Floodplain" shall be herein defined as either of the following: 1) That area identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Commerce Township" with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps, hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Township Building Department. 2) Other floodplains as defined by the Township Engineer and approved by the Township Board.

Floor Area (Residential):

The floor area of a residential dwelling unit is the sum of the horizontal areas of each story of the building as measured from the exterior walls; exclusive of area of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches.

1. Bi-Level: A house with two (2) levels and no basement, the first floor being partially below grade such that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor.

2. Tri-Level: A house with three (3) levels, the first level being located partially below grade, the second level being located at or slightly above grade, and the third level being located one-half (1/2) level up from the second level and directly over the first level. The first level shall be counted as either a story or a basement depending on its located in relation to the average grade (see definition of basement).

3. Quad-Level: A house similar to a tri-level but with the addition of a fourth level. The third level is usually located directly above the first and the fourth level is usually located directly above the second. The first level shall be counted as either a story or a basement, depending on its location in relation to the average grade (see definition of basement).

Floor Area, Usable: For the purposes of computing parking, usable floor area is all ground and non-ground floor area used for, or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area, which is used or intended to be used principally for the storage or processing of merchandise or for utilities, shall be excluded from this computation of "Usable Floor Area". For the purposes of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients, shall be measured to determine necessary parking spaces. Under no circumstance shall usable floor area be determined to be less than (70%) percent of gross floor area. (See Illustration.)

Footcandle: A unit of illuminance widely used to set lighting levels in architecture. The illuminance at one (1) foot from a one (1) candela point source of light.

Garage, Private: A portion of a main residential building designated or used solely for the storage of motor driven vehicles, boats and similar vehicles owned and operated by the occupants, and miscellaneous items generally associated with a residential occupancy.

Garage Sale: A temporary sale conducted by the homeowner(s) or occupant(s) of the premises on which the sale is located, usually out of the garage for the resale of personal property whereby the public at large is invited to attend.

Garbage: Putrescent solid and semi-solid animal or vegetable wastes resulting from the production, handling, preparation, cooking, service or consumption of food or food materials.

Gasoline Service Station: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of the minor repair of automobiles.

Grade: A reference plane representing the average of finished ground level adjoining the building at all exterior walls.

Greenbelt: A strip of definite width and location reserved for the planting of shrubs, trees or plants to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Gun Clubs: Any organization whether operated for profit or not, and whether public or private, which caters to or allows the use of firearms on its property.

Home Occupation: An occupation or profession customarily carried on by an occupant of a dwelling unit at the dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Hospital: A facility offering inpatient, overnight care, and services for observation, diagnosis, and active treatment of an individual with a medical, surgical, obstetric, chronic, or rehabilitative condition requiring the daily direction or supervision of a physician.

Hotel: A building occupied as a temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, and which typically provides hotel services as maid service, the furnishing and laundering of linens, telephone and desk service, and meeting rooms. A hotel may contain restaurant and convention facilities.

Industrial Use: Any land or building occupied or used for purposes allowed in the Industrial District by this Ordinance, that is engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

Institutional Uses, Large Scale: Public, parochial, and private schools, churches, community buildings, and municipal facilities that have either one or both of the following characteristics:

1. Five hundred (500) or more parking spaces are required to fulfill the parking requirements in the Zoning Ordinance.

2. The seating capacity of the main area of assembly is one thousand five hundred (1,500) or more.

Kennel (Commercial): Any lot or premises on which dogs, cats or other species of household pets are kept, either permanently or temporarily, for the purposes of breeding, boarding, sale or transfer.

Keyhole Lake Access: Property which abuts a lake or a navigable tributary thereto and which provides lake access to owners or occupants of nearby property which does not abut the lake.

Laboratory: A place devoted to experimental study, testing, or analyzing, but not devoted to the manufacturing of a product or products.

Lake: Includes navigable tributaries of a lake.

Land Area (Net): All the area within the confines of a given legal description exclusive of area under water and exclusive of areas within the proposed right-of-way requirements as adopted by the Road Commission for Oakland County.

Land Area (Gross): All areas within the confines of a given legal description including areas under water and including areas within the right-of-way.

Landfill: Landfill means any disposal area or tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

Landscaping**:** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines, and other live plant material. In addition, a landscape design may include other decorative man-made materials, such as wood chips, crushed stone,

boulders, or mulch. Structural features such as fountains, pools, statues, and benches shall also be considered a part of landscaping, but only if provided in combination with live plant material. Artificial plant materials shall not be counted toward meeting the requirements for landscaping. Various landscaping-related terms are defined as follows:

1. Berms**:** A continuous, raised earthen mound with a flattened top and sloped sides, capable of supporting live landscaping materials, and with a height and width that complies with the requirements of this Ordinance.

2. Forb: A broad-leaved herb other than a grass, especially one growing in a field, prairie, or meadow.

3. Grass**:** Any of a family of plants with narrow leaves that is viable as permanent lawns in Oakland County, Michigan.

4. Greenbelt**:** A strip of land of definite width and location reserved for the planting of a combination of shrubs, trees, and ground cover to serve as an obscuring screen or buffer for noise or visual enhancement, in accordance with the requirements of this ordinance.

5. Ground Cover**:** Low-growing plants that form a dense, extensive growth after one complete growing season, and tend to prevent weeds and soil erosion.

6. Hedge**:** A row of closely planted shrubs or low-growing trees which commonly form a continuous visual screen, boundary, or fence.

7. Hydro-Seeding**:** A method of planting grass where a mixture of the seed, water, and mulch is mechanically sprayed over the surface of the ground.

8. Interior Parking Lot Landscaping**:** A landscaped area located in the interior of a parking lot in such a manner as to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area.

9. Mulch**:** A layer of wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold the soil in place, or aid plant growth.

10. Nurse Grass**:** Any of a variety of rapidly-growing annual or perennial rye grasses used to quickly establish ground cover to prevent dust or soil erosion.

11. Screen or Screening**:** A wall, wood fencing, or combination of plantings of sufficient height, length, and opacity to form a visual barrier. If the screen is composed of nonliving material, such material shall be compatible with materials used in construction of the main building, but in no case shall include wire fencing.

12. Shrub**:** A self-supporting, deciduous or evergreen woody plant, normally branched near the base, bushy, and less than fifteen (15) feet in height.

13. Tree**:** A self-supporting woody, deciduous or evergreen plant with a well-defined central trunk or stem which normally grows to a mature height of fifteen (15) feet or more in Oakland County, Michigan.

    a. Deciduous Tree**:** A variety of tree that has foliage that is shed at the end of the growing season.

    b. Evergreen Tree**:** A variety of tree that has foliage that persists and remains green throughout the year.

14. Ornamental Tree**:** A deciduous tree which is typically grown because of its shape, flowering characteristics, or other attractive features, and which grows to a mature height of twenty-five (25) feet or less.

15. Shade Tree (or Canopy Tree)**:** For the purposes of this Ordinance, a shade tree is a deciduous tree which has a height of forty (40) feet or greater at maturity in Oakland County, Michigan.

16. Vine**:** A plant with a flexible stem supported by climbing, twining, or creeping along the surface, and which may require physical support to reach maturity.

Livestock: Horses, cattle, sheep, goats, and other useful animals normally kept or raised on a farm or range.

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

Lot: A lot is an existing parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a street, and may consist of:

1. A single lot of record;

2. A portion of a lot of record;

3. A parcel of land described by metes and bounds;

4. An existing nonconforming lot or portion thereof.

In no case shall any division or combination create a residual lot or parcel which does not meet the requirements of this Ordinance. For the purposes of this Ordinance, a unit and associated limited common area in a site condominium project shall be considered to be a lot.

Lot Area: The total horizontal area within the lot lines of the lot excluding any public road right-of-way, prescriptive road easement, or private road easement and further excluding any areas beneath the surface of a river, lake, pond or similar body of water.

Lot, Corner: A lot located at the intersection of two (2) or more roads. A lot abutting on a curved road or roads shall be considered to be a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees. (See Illustration.)

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. Lot coverage shall be based on building footprint, disregarding roof overhangs.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between side lot lines.

Lot, Double Frontage: Any lot having frontage on two more or less parallel roads as distinguished from a corner lot. In the case of double frontage lots, all sides of said lots adjacent to road shall be considered frontage and shall meet front yard setback requirements.

Lot, Interior: Any lot other than a corner lot with one street frontage.

Lot Lines: The lines bounding a lot as defined herein:

1. Front Lot Line: In the case of an interior lot, the front line shall be the line separating the lot from the street, except if the shape of the parcel, or some other reason, makes it impractical to use said line as the front line, another line may be used as the front upon approval by the Board of Appeals, if the placement of the structure(s) and resulting yards are consistent with, and more easily blend with, the other buildings and development in the adjoining area. In the case of a corner lot, the front lot line is that line separating said lot from the street or streets, which is designated as the front street in the plat and in the application for a building permit or zoning occupancy certificate. In the case of a double frontage lot the front lot line is that line separating said lot from that street which is designated as the front street in the plat, or in the request for a building permit. In the case of double frontage lots with water frontage, the waterfront front lot line shall be the waterline.

2. Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

3. Side Lot Line: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street or road is a side street lot line. A side lot line separating a lot from another lot or lots is a side lot line.

Lot, Nonconforming: A parcel of land described by metes and bounds, or a lot of record or a portion of a lot of record, which does not meet the requirements of this Ordinance.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deed or in common use by Township or County officials, and which

actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

Lot, Water Frontage: In the case of lots abutting lakes, rivers and canals, said lots shall be considered to be double frontage lots as defined above. This includes lots separated by a lake, river or canal by a subdivision outlot, condominium common area or other communal property upon which a permanent structure cannot be constructed and the distance separating the lot from the water's edge is no more than 100 feet. (See Illustrations.)

Lot Width: The horizontal distance between the side lines measured at the two points where the building line, or setback, intersects the side lot lines. The arc shall be used in lieu of a straight line where lots have curved frontage.

Manufactured Dwelling: A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and

2. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and

3. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Massage Therapy: A place or establishment where the primary service is the treatment of any nature for the human body that is given by means of massage (consisting of rubbing, stroking, kneading, adjusting or tapping with the hand or any instrument, electric, magnetic or otherwise, with or without supplementary aids), alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment. Said service must be administered by a massage therapist licensed by the State of Michigan.

Master Plan: A comprehensive plan including graphic and written proposals indicating the general location of roads, parks, schools, public buildings and all physical development of the Township. This shall include any element or part of such plan, and any amendment to such plan or parts thereof.

Master Right-of-Way Plan: The right-of-way and/or thoroughfare plan officially adopted by the Township and the Road Commission for Oakland County.

Medical Marihuana Definitions: Some of the words and phrases defined below are also defined in the Michigan Medical Marihuana Act ("MMMA"), MCL 333.26421 et seq. and the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA"). If the definition of a word or phrase set forth below conflicts with the definition in the MMMA, MMFLA, or if a term is not defined below but is defined in the MMMA or MMFLA, then the

definition in the MMMA or MMFLA shall apply. The words and phrases below are defined as follows:

Marihuana means that term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.

Medical use means the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

Primary caregiver means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition.

Registry identification card means a document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.

Marihuana facility means a location at which a license holder is licensed to operate under the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 ("MMFLA")

Medical marihuana cultivation building means a permanent freestanding building on one lot where more than twelve (12) marihuana plants are being grown in compliance with the MMMA.

Medical marihuana dispensary means a building or part of a building where there is a transfer of marihuana between primary caregivers or between qualifying patients. This definition does not include a building in which the transfer of marihuana occurs between a primary caregiver and his or her qualifying patient.

Plant means any marihuana plant with not more than one readily observable root formation.

Mezzanine: An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story. (See Illustration.)

Migratory Labor Camp: Temporary facilities provided for the housing of workers who for seasonal purposes are employed in the planting, harvesting, or processing of crops, or for other essential, but temporary employment.

Mobile Home: A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home shall not include a modular unit as approved by the State Construction Code Commission. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purpose of this Ordinance.

Mobile Home Park: A parcel or tract of land under the control of a person upon which two (2) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, road, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel or Motor Court: A series of attached, semi-detached or detached rental units which provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Motor Vehicle: Every vehicle that can propel itself on land using any type of motor. Aircraft, watercraft, and travel trailers are not included in this definition.

Multiple Family Unit: A dwelling unit contained within a single building that clearly houses several such units.

Nicotine Product: Any product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.

Nonconforming Structure: A structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the provisions of the Ordinance, nor to the regulations of the district in which it is located. (See Illustration.)

Nonconforming Use: A use which lawfully occupied a building or land at the time of the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located. (See Illustration.)

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice being a cause or source of annoyance.

Nursery, Plant Material: Any land, space, building or structure, or combination thereof, used for the storage of live trees, shrubs or plants, but not including any land, space, building or structure, or any part thereof, used for the sale of fruits, vegetables or harvested and cut Christmas Trees.

Nursing Home: Also Convalescent or Rest Home: A licensed facility, whether operated for profit or not, for the care of the aged, infirm, or those suffering from bodily disorders, wherein more than two (2) persons are housed or lodged, and furnished with nursing care.

Occupied: Being in actual or constructive possession of a structure or land.

Occupancy Load: The maximum number of individuals normally occupying a building or part thereof, or for which existing facilities have been designed.

Off-premises Alcohol Sales Outlet: A retail facility located in a permanent structure from which beer, wine and/or liquor are sold for off-premises consumption.

Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of vehicles.

Open Air Business: A business that is conducted wholly or partially in the open, outside of a building.

Outdoor Collection Receptacle (Large): Any container intended or utilized for the deposit or collection of trash, waste, refuse, compacted materials, donation items, materials intended for recycling or re-use, and after hours material delivery, or similar uses with a volume greater than 18 cubic feet.

Outdoor Collection Receptacle (Small): Any container intended or utilized for the deposit or collection of U.S. mail, express packages or envelopes, library books, and after hours delivery or payment boxes or similar uses with a volume of 18 cubic feet or less.

Outdoor Dining: One or more tables and/or chairs in an area designated for outdoor seating adjacent to a principal building and restaurant use on a site to allow for the consumption of food and/or beverages served at and from the building.

Parking Lot: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other Township Ordinances, and is built on the surface of the ground.

Parking Structure: An area utilized for the off-street parking of vehicles which is constructed according to the standards of this or other Township Ordinances and which may be one or more stories in height.

Performing Arts Center: A building consisting of one or more theaters and other rooms for assembly, for the principal purpose of staging theatrical and musical productions; but also including ancillary facilities which may include space for offices, artisans, display of art, meeting rooms, restaurants, and so forth.

Pet Services Establishments: Premises where domestic animals belonging to others are boarded, handled, or trained, and such activities are conducted within an enclosed building.

Phantom Lot Lines: Lines surrounding a condominium unit or units defined by the minimum lot width and lot area. Phantom Lot Lines are used to calculate the amount of open space provided in open space and roadside open space projects and for measuring setback requirements. The area within the Phantom Lot Lines shall not be counted toward any open space requirements.

Planned Commercial or Shopping Center: Two (2) or more commercial establishments which are contiguous and/or developed under one (1) site plan.

Planning Commission: The Planning Commission of the Charter Township of Commerce as designated in Public Act 33 of 2008, as amended.

Poultry: Domestic fowl such as chickens, turkeys, ducks and geese.

Principal Use: A use specified in this Ordinance under each district as a principal use.

Protected Wetlands: All wetlands subject to regulations by the Michigan Department of Environmental Quality (MDEQ).

Public Access: A site for lake access provided by the State of Michigan or any political subdivision thereof, a commercial marina, or other property owner for the use of the general public whether with or without charge.

Public Service Facilities: Public service facilities within the context of this Ordinance shall include such uses and services as election polling places, pumping stations, fire halls, police stations, temporary quarters for welfare agencies, public health activities and similar uses including essential services.

Public Utility: Any persons, firm, corporation, municipal department, or board of commission duly authorized to furnish under Federal, State, or Municipal regulations and is furnishing to the public either gas, steam, electricity, sewage disposal, communication, telegraph, cable television, transportation or water.

Rain Garden: A planted depression that is designed to take all, or as much as possible, of the excess rainwater run-off from a building and its associated landscape. The plants – a selection of wetland edge vegetation, such as sedges, rushes, ferns, shrubs and trees – absorb the excess water, and through the process of transpiration return water vapor into the atmosphere. Unlike a bioswale, a rain garden does not slope.

Record Owner(s): Shall mean the person whose name appears upon the last township tax assessment records as the owner of the parcel of property.

Recovery Home: A single family residential dwelling occupied by no more than 6 persons who are currently participating in a program to treat and rehabilitate addicts or alcoholics provided that such occupants are not currently using alcohol or addictive drugs (except as prescribed by a licensed physician) and otherwise meet the definition of a handicapped person under the provisions of the Federal Fair Housing Act. Occupants of Recovery Homes shall be under the direct supervision and observation of a qualified treatment specialist who shall be present in the dwelling 24 hours per day and 7 days per week.

Recreational Vehicle: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

Refuse: Any putrescent or non-putrescent solid waste, except human excreta, but including garbage, rubbish, ashes, road cleaning, dead animals, offal and solid agricultural, commercial, industrial, hazardous and institutional wastes and construction waste.

Restaurant: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast-food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

1. Restaurant, Carry-Out: A carry-out restaurant is a restaurant whose method of operation involves sales of food, beverages and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

2. Restaurant, Drive-In: A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.

3. Restaurant, Drive-Through: A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.

4. Restaurant, Fast-Food: A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.

5. Restaurant, Standard: A standard restaurant is a restaurant whose method of operation involves either:

A. The delivery of prepared food by waitpersons to customers seated at tables within a completely enclosed building or in an approved outdoor seating area.

B. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building or in an approved outdoor seating area.

C. Bar/Lounge: A bar or lounge is a type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be permitted. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

Riparian Owner(s): Shall mean a person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

Road: A way for vehicular traffic, including the entire area within the right-of-way, whether designated as a "street," "highway," thoroughfare," "avenue," "boulevard," "lane," "cul-de-sac," or by some other term.

Road, Arterial: A road serving large volumes of traffic, traveling 45 miles per hour or faster, typically involving a high proportion of long distance trips and through traffic, but which may provide access to abutting properties.

Road, Collector: A road that provides access to abutting properties and which connects either roads within a developed property, other collector roads, or local roads to arterial roads.

Road, Local: A road that is intended to provide access to abutting properties, accommodate lower traffic volumes, and provide mobility within a neighborhood.

Roadside Produce Stand: A portable, temporary, and seasonal retail facility that is intended for the sale of produce (i.e., fruits and vegetables) that is primarily grown on the adjoining property or elsewhere in Commerce Township.

Rubbish: Rubbish means any non-putrescible solid waste excluding ashes, such as paper, cardboard, plastic, metal or glass food containers, rags, waste metal, yard clippings, small pieces of wood, glass, excelsior, rubber, leather, crockery and other similar materials.

Salvage Yard: An open area where waste, used or secondhand materials are brought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "salvage yard" includes automobile wrecking yards, and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Secondary Tenant: A business, which leases physical, measurable space from a primary building owner and/or tenant and occupies not more than forty nine (49%) of a single building which may or may not have a separate entrance. A secondary tenant is intended to be long term, as opposed to temporary or short term (less than three months) and is incidental and/or subordinate to the primary tenant. In determining the percentage of occupied space, only that floor area which is used wholly and exclusively by the secondary tenant shall be used.

Senior Housing: A building or group of buildings containing dwellings intended to be occupied by older persons, as defined by the Federal Fair Housing Act. Senior Housing may include:

1. Independent Living – A residential living setting for senior adults who lead an independent lifestyle that requires minimal or no extra assistance. Although minimal or no extra assistance may be required, some independent living facilities may provide

hospitality or supportive services, including meals served in a common dining area, transportation, and social and recreational activities. A Senior Apartment is an age-restricted multiunit independent housing facility for older adults who are able to care for themselves, where usually no additional services such as meals or transportation are provided.

2. Dependent Living – A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may or may not contain cooking facilities, but must contain sanitary facilities. One type of Dependent Living facilities is Assisted Living, which is a special combination of dependent housing, personalized supportive services and health care designed to meet the needs of those who need help with activities of daily living. Services provided in Assisted Living residences usually include:

   - Three meals a day served in a common dining area.
   - Housekeeping services.
   - Transportation.
   - Assistance with eating, bathing, dressing, toileting and walking.
   - Emergency call systems for each resident's unit.
   - Health promotion and exercise programs.
   - Medication management.
   - Personal laundry services.
   - Social and recreational activities.

3. Congregate Housing – Similar to independent living except that it usually provides convenience or supportive services like meals, housekeeping, and transportation in addition to rental housing.

4. Continuing Care – Residential campuses that provide a continuum of care, from assisted living to skilled nursing care, all in one location.

Setback**:** The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The MINIMUM REQUIRED SETBACK is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of YARD).

Setback Line: A lot line, road right-of-way line, prescriptive easement, or other line established herein, whichever is furthest from the center of the road, from which required yards are measured.

Shared Driveway: Any vehicular access that provides access from a public or private road to two (2) single family lots, site condominium units or non-residential principal buildings, provided that each lot, condominium unit, or non-residential principal building has frontage upon the public or private road. In unified developments, such as shopping centers, office parks, or similar uses that share common parking facilities, a way for access, ingress, and egress to or from such parking facilities shall be considered a shared driveway, provided that control over the way is established by a maintenance agreement meeting the requirements of the Commerce Charter Township Code.

Sign**:** Any device, structure, fixture, or placard which uses words, numbers, figures, graphic designs, logos or trademarks for the purpose of informing or attracting the attention of persons. Unless otherwise indicated, the definition of a sign includes interior and exterior signs which are visible from any public street, road, sidewalk, alley, park, or public property, but not signs which are primarily directed at persons within the premises upon which the sign is located. Various types of signs and sign-related terms are defined below.

Sign Area. The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Awning: A sign that is painted or printed on, or attached to an awning or canopy and extends not more than two (2) feet from the wall with no copy on the sides or edges.

Sign, Clearance. The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

Sign Copy. Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.

Sign, Damaged: A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.

Sign, Ground or Freestanding: A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.

Sign Height. The vertical distance measured from the average grade at the sign location to the highest point of the sign.

Sign, Nonconforming. A sign that was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a road right-of-way, or any sign that is missing necessary structural and functional components.

Sign, Pole: A ground sign mounted on a freestanding pole(s) or other support(s) with a clear space between the bottom of the sign face and the grade.

Sign, Portable. A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.

Sign, Projecting: A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.

Sign, Roof. Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.

Sign, Temporary. Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display. These include, but are not limited to:

1. Banner. A temporary sign made of fabric or other non-rigid material with no enclosing framework**.**

2. Festoons. A string of ribbons, tinsel, small flags or pinwheels.

3. Inflatable Sign. Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.

Sign, Unlawful. A sign for which no valid permit was issued by the Township at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.

Sign, Unsafe. A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

Sign, Wall: A display sign that is painted on, adjacent to, or attached to a building wall, door, window, or related architectural feature.

Sign Window: A sign affixed to or installed inside a window so as to be observable from the exterior of the building.

Site Entry Feature with Signage. A sign located at the entrance to a residential development, industrial park or similar development.

Smoke Shop: Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, synthetic marihuana and/or tobacco or marihuana paraphernalia and from which more than 51% of the total gross receipts and 51% of gross retail square footage are derived from the sale of tobacco products, vapor products, nicotine products, and/or alternative nicotine products.

Soil Excavation: The excavation or removal of gravel, clay, sand, peat, soil or other similar materials.

Special Land Use: A use specified in this Ordinance as permissible in a specific use district as a special land use permitted only after special conditions are met.

Stable, Private: A stable for the keeping of horses for the noncommercial use of the residents of the principal use, not including the keeping of horses for others, or for commercial breeding.

Store: 1. To put away, place or retain anything for more than twenty-four (24) hours for use or transport at anytime in the future. 2. A retail establishment where merchandise is sold.

Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Story, Half: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below, and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'4").

Street: A public thoroughfare or private easement which affords the principal means of access to abutting property and which is not a driveway or shared driveway as defined herein.

Structure: Anything constructed or erected and designed for a location on the ground, whether temporary or permanent.

Temporary Building or Use: A structure or use permitted to exist during periods of construction of the main building or use, or for special events.

Tents: A portable shelter of canvas, course cloth, or similar material but not including those used solely for children's recreational purposes.

Thoroughfare, Major: An arterial road which is intended to serve as a large volume trafficway for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Thoroughfare, Secondary: An arterial road which is intended to serve primarily the immediate Township area providing access to major thoroughfares.

Tobacco product: Any product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, cigar, noncigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422.

Townhouse: Single-family attached units with common walls. Each unit has its own front door opening to the outdoors and typically each house is a complete entity with its own utility connections. Although townhouses have no side yards, they can have front and back yards.

Township Board: The duly elected or appointed Township Board of the Charter Township of Commerce.

Township: The Charter Township of Commerce, Oakland County Michigan.

Travel Park (Overnight Camping Facility): A place utilized for the temporary use of camping vehicles and for camping purposes where there is no storage of recreational vehicles, and where recreation vehicles and tents are not occupied for more than ninety (90) days each year, and where commercial activity is limited to servicing the needs of the temporary occupants of the travel park.

Unified Development Site: One or more parcels of land developed in such a fashion and function as a single development site such as a shopping center.

Use: The purpose or function for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

Utility Room: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

Variance: A zoning variance is a modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals when certain conditions are met.

Vapor Product: A noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, which can be used to produce vapor from nicotine or any other substance, and the use or inhalation of which simulates smoking. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include a product regulated as a drug or device by the United States Food and Drug Administration under 21 USC 351 to 360f.

Veterinary Clinic: A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

Yards: The open spaces on the same lot with a main building or main use, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance, and as defined herein:

1. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line(s), or water line in the case of water front lots, and the nearest supporting member of the main structure. (See Illustration.)

2. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line, or zoning district line,

whichever is closer to the building, and the nearest point of the main building. (See Illustration.)

3. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line, or zoning district line, whichever is closer to the building, and the nearest point of the main building. (See Illustration.)

Walls, Obscuring: An obscuring barrier of definite height and location constructed of wood, masonry, concrete or similar material.

Watercourse: Any waterway, including a river, stream, lake, pond, or any body of surface water having definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. A watercourse may or may not be serving as a drain as defined by Public Act 40 of 1956, as amended. A watercourse does not include a retention or detention pond constructed as a landscape feature or constructed for the purpose of stormwater management.

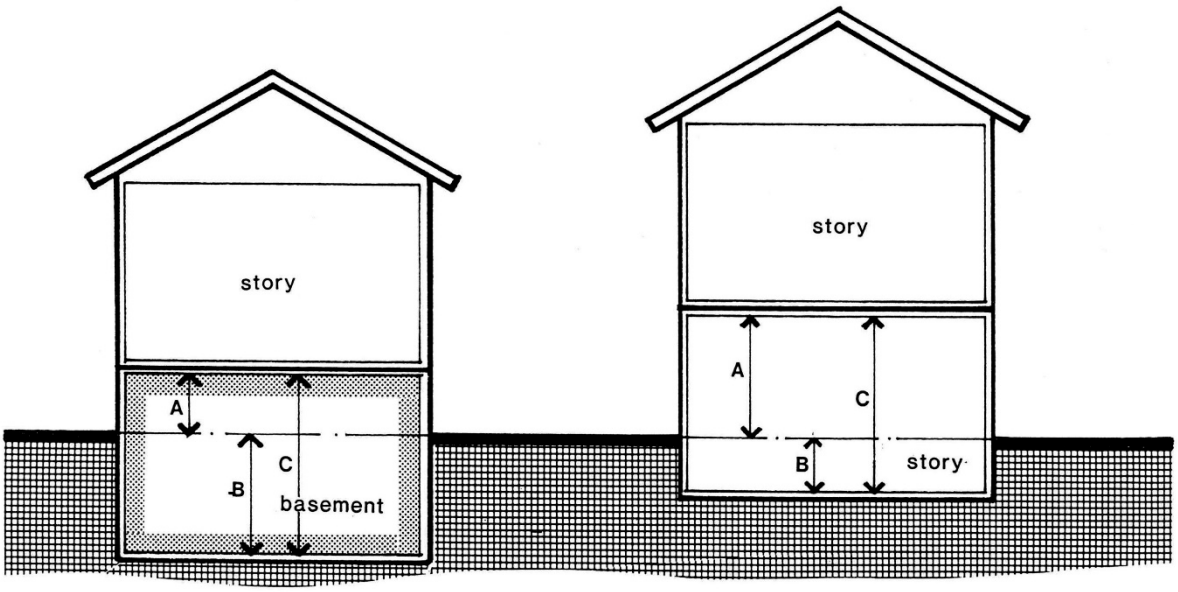
Wetland: to the term "wetland" shall have the same meaning as defined in Public Act 451 of 1994, as amended.

Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency for the purpose of transmitting or receiving radio signals and may include, but is not limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Citizen band radio facilities, short wave facilities, ham amateur radio facilities, satellite dishes, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority are not included in this definition.

Wireless Communication, Co-location: The location by two or more wireless communications providers, public authority or other duly authorized party of wireless communications facilities on an existing structure, tower or building, in a manner that reduces the overall need for additional or multiple freestanding single use wireless communications facilities within the Charter Township of Commerce.

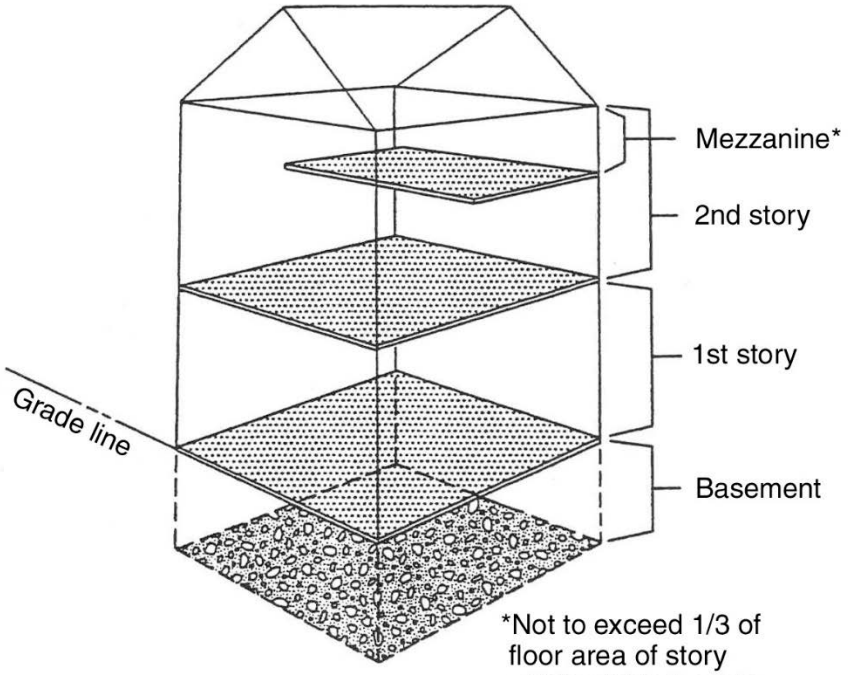
Zoning Administrator: The Zoning Administrator of the Charter Township of Commerce.

Basement and Story



"A" is less than "B"
"C" is a basement

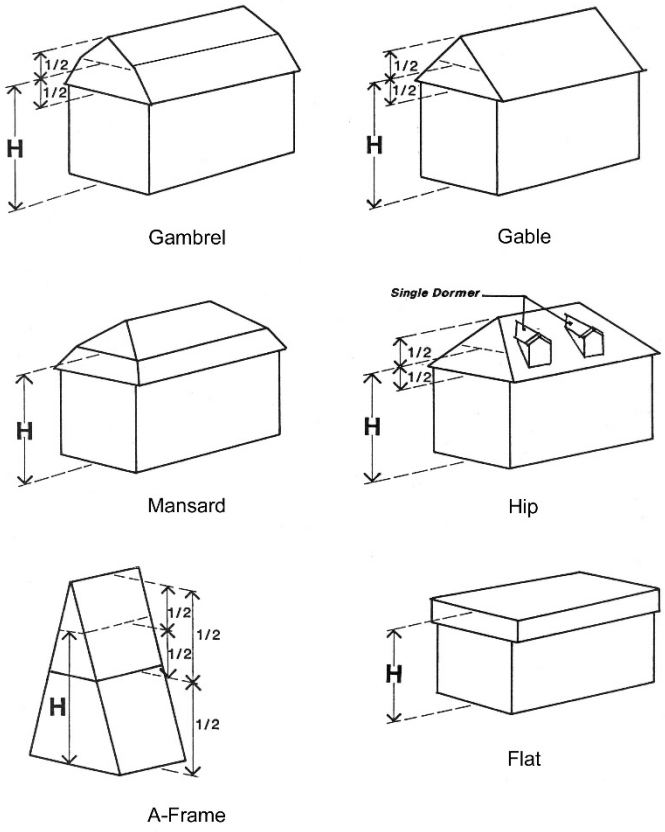
"A" is greater than 5 feet
"C" is a story



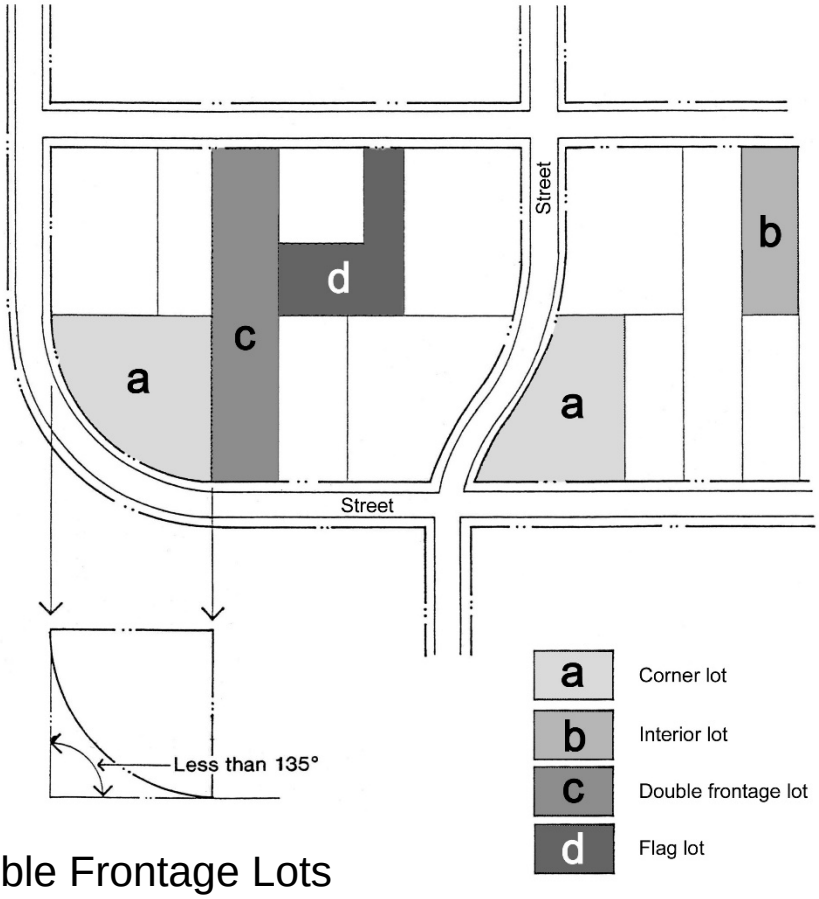
Basic Structural Terms

Floor area - (to be measured as minimum allowable)

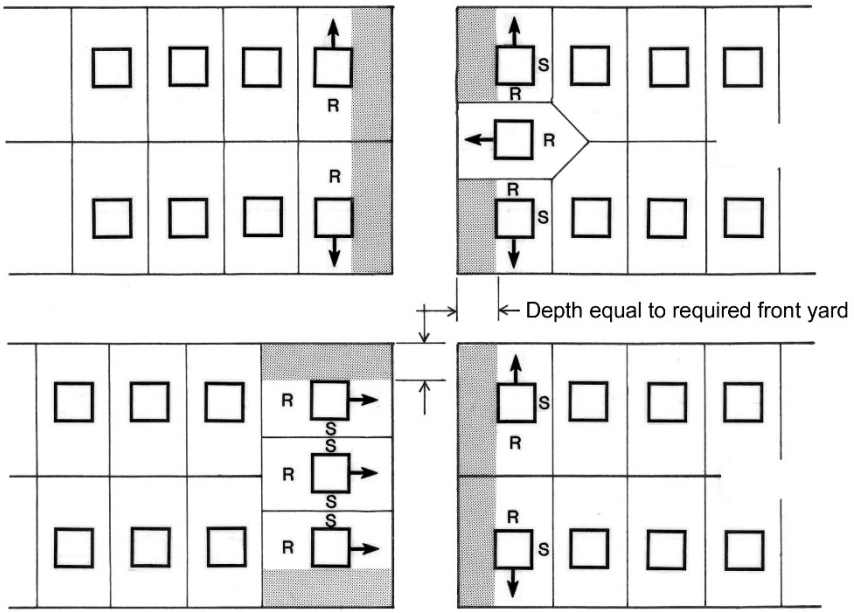
Floor area - (not measured as minimum allowable)



Building Height

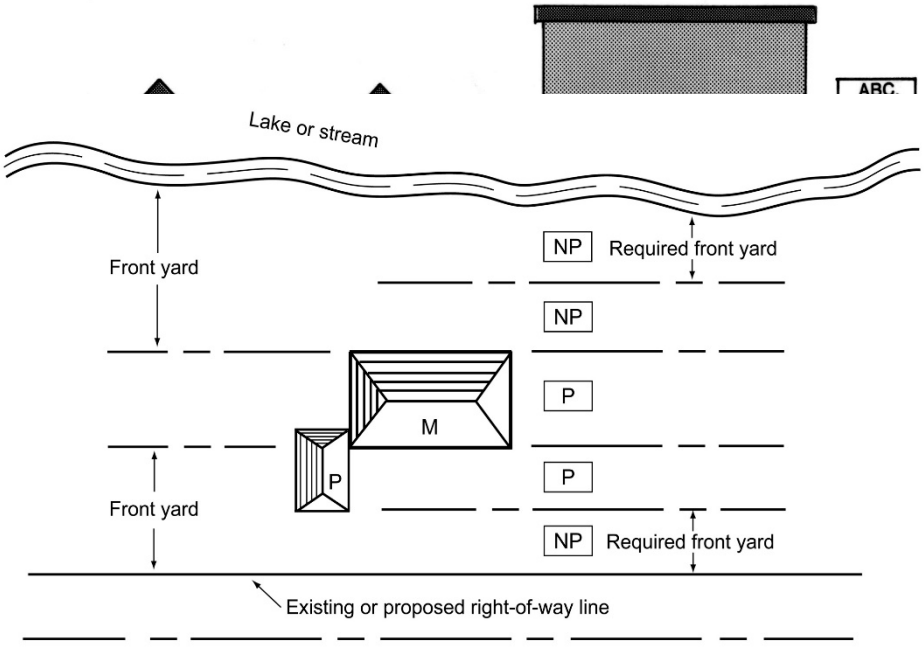


Corner, Interior & Double Frontage Lots



Required setbacks - corner lot
Front yard
R Rear yard
S Side yard

Side Yards Abutting Street



M - Main building
P - Accessory building (permitted)
NP - Accessory building (not permitted)

Water Frontage Lot

ARTICLE 3
ZONING DISTRICTS AND MAP

SECTION 3.01. Zoning Districts

For the purpose of this Ordinance, the Charter Township of Commerce is hereby divided into districts as follows:

DISTRICT NAME	SYMBOL
Public Recreation	PRD
Special Purpose	SPD
Large Lot Single Family Residential	R-1A
Single Family Residential	R-1B
Single Family Cottage Residential	R-1C
Single Family Neighborhood Residential	R-1D
Attached Residential	R-2
Multiple Family Residential	RM
Mobile Home Park	MHP
Local Business	B-1
Community Business	B-2
General Business	B-3
Union Lake Road Overlay	ULR
Commerce Village Overlay	CV
Town Center Overlay	TC
Haggerty Road Corridor Overlay	HRC
Office	O
Technology and Light Manufacturing	TLM
Industrial	I
Hospital Facilities	HF
Hospitality	HOS

SECTION 3.02. Zoning Map

The Township is hereby divided into districts, with the district areas and boundaries as shown on the Official Township Zoning Map, along with all proper notations, references and explanatory matter. The Official Zoning Map shall be adopted by reference and declared to be a part of this Ordinance.

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Map promptly after the amendment has been approved by the Township Board of Trustees. No changes of any nature shall be made on the Official Zoning Map, except in conformity with the amendment procedures set forth in Article 3, or in conformity with the procedures set forth in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) for adoption of a new Official Zoning Map. The Official Zoning Map shall be kept in the office of the Township Clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the Township.

SECTION 3.03. Amendments

The Township Board may, after recommendation from the Planning Commission, amend, supplement or change the provisions of this Ordinance or Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the following:

A. Initiation of Amendment

Amendments to the provisions of this Ordinance may be initiated by the Township Board, Planning Commission, or by petition from one (1) or more residents or property owners of the Township. An amendment to the official Zoning Map (rezoning) may be initiated by the Township Board, Planning Commission, or by the titleholder for the property subject to the proposed amendment. No fee shall be charged for amendments initiated by the Township Board or Planning Commission.

B. Application

An amendment to this Ordinance (except those initiated by the Township Board or Planning Commission) shall be initiated by submission of a complete and accurate application to the Township on a form provided by the Township, along with the required fee established by the Township Fee Ordinance. In the case of an amendment to the official Zoning Map, the following information shall accompany the application and fee:

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.

2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if the applicant is not the owner in fee simple title.

3. The existing and proposed zoning district designation of the subject property and surrounding properties.

4. A written description of how the requested amendment meets the criteria stated in this Section.

C. Rezoning Sign Requirements

At least fifteen (15) days prior to the public hearing before the Planning Commission, the applicant must, at his own expense, install rezoning signage on the property proposed for rezoning, in full public view along street or road frontages.

1. **Location.** The signs must be prominently placed at 700 foot intervals along the property frontage, adjacent to the public right-of-way. For parcels with less than 700 feet of road frontage, signs shall be placed at the midpoint of the property width. A corner lot will require a minimum of one (1) sign per road frontage. If more than one (1) zoning district is included in the petition, a minimum of one (1) sign must be provided for each proposed district. The location, number and content of such signs must be approved by the Building Department prior to installation.

2. **Sign Orientation.** Rezoning signs shall be displayed at forty-five degree angles (45◦) to the road right-of-way, to maximize visibility to drivers approaching from both sides of the road (see illustration).

3. **Notice Requirements.** Sign lettering shall be black on a white background. Wording on the signage shall be as follows:

PROPOSED REZONING.....(minimum 8" high letters)

From: ***(District Name)***.....(minimum 4" high letters)

To: ***(District Name)***.....(minimum 4" high letters)

(example: To R-1B, Single Family Residential)

Information (Commerce Telephone #).....(minimum 4" high letters)

Commerce Charter Township .....(minimum 3" high letters)

4. Structure.

   a. Size: minimum 4 ft. (vertical) by minimum 6 ft. (horizontal)

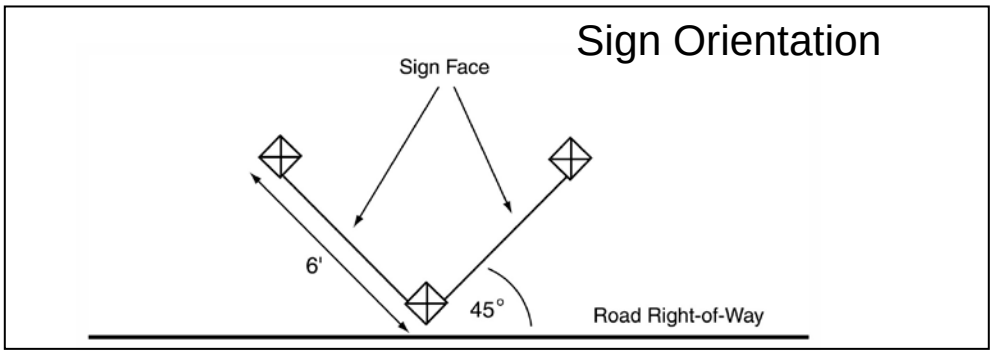
   b. Height: 6 ft. above grade (including posts)

   c. Sign facing must be exterior plywood, aluminum, or similar durable material.

   d. Sign support system must be structurally sound.

Rezoning signage must be removed within seven (7) days of final action on the petition by the Township Board, or within seven (7) days of withdrawal of the petition by the

applicant. Failure to remove signage within this period may result in such removal by the Township at the applicant's expense.



D. Amendment Review Procedure

Proposed amendments to this Ordinance or Official Zoning Map shall be reviewed in accordance with the following:

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Planning Director may submit the application materials to designated Township consultants for review.

2. **Public hearing.** A public hearing shall be provided as follows:

   a. Notice shall be published in a newspaper of general circulation in Commerce Charter Township not less than fifteen (15) days prior to the public hearing scheduled.

   b. Notice shall also be sent by mail or personal delivery to the owners of all property for which approval is being considered, to the owners of all real property within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless whether the property or occupant is located within the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) such units or spatial areas, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. This notice shall be sent not less than fifteen (15) days prior to the date of the public hearing scheduled.

      However, if eleven (11) or more adjacent properties are proposed for rezoning, then notice is not required for the owners of those properties or the

owners or occupants of property within 300 feet, nor is it necessary for the notice to list the addresses of the individual properties.

c. The notice shall contain:

i. A description of the nature of the request to be heard.

ii. A description of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.

iii. A statement of when and where the request will be considered.

iv. An indication of when and where written comments will be received concerning the request.

3. **Planning Commission consideration and recommendation.** Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings and recommendation to the Township Board.

In considering an amendment to the Official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

a. *Consistency with the Master Plan.* Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.

b. *Environmental Features.* Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.

c. *Suitability with the Law.* Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.

d. *Capacity of Public Services and Utilities.* Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Oakland County with unplanned capital improvement costs or other unplanned public expenses.

e. *Capability of Road* System. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).

f. *Demand for Uses.* The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

g. *Scale of Future Development.* The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.

h. *Isolation of Uses or Creation on Incompatibilities.* The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

i. *Other Factors.* Other factors deemed appropriate by the Planning Commission and Township Board.

4. **Township Board Action.** The Township Clerk shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the Township Board for consideration and final action.

   a. The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration.

   b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.

E. Re-Application.

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Planning Director determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.

2. New or additional information is available that was not available at the time of the review.

3. The new application is materially different from the prior application.

ARTICLE 4
GENERAL REQUIREMENTS

Principal Uses and Special Land Uses.

In all districts, no structure or land shall be used or occupied, except in conformance with Article 5, and as otherwise provided for in this Ordinance. Special Land Uses may be permitted in accordance with Article 5, subject to a public hearing and approval by the Planning Commission in accordance with the procedures and conditions defined in Article 9 (Special Land Uses).

SECTION 4.01. Prohibited Uses

Uses that are not specifically listed in a district as a permitted principal or a special land use, or otherwise determined to be similar to a listed use following the standards and procedures in Article 26, shall be prohibited in the district.

SECTION 4.02. Design and Development Requirements

All uses shall comply with any applicable requirements of this Ordinance and other Township Codes and Ordinances. No land shall be occupied and no structure shall be erected, reconstructed, altered or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this Ordinance and other Township Codes and Ordinances.

SECTION 4.03. Interpretation of District Boundaries

The boundaries of zoning districts, as shown on the map accompanying and made a part of this Ordinance, unless otherwise shown, are lot or tract lines or the center lines of streets, roads or alleys, or the extension thereof, railroad right-of-way lines and the corporate limits of the Charter Township of Commerce.

Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying and made part of this Ordinance, there is uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning exact location of district boundary lines shall be determined by the Township Zoning Board of Appeals either upon written application or upon its own motion.

SECTION 4.04. Road, Alley, Railroad Rights-of-Way and Riparian Land

All roads, alleys, railroad rights-of-way, and riparian land, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such roads, alleys or railroad rights-of-way, and riparian land. Where the centerline of a road or alley serves as a district boundary, the zoning of such road or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SECTION 4.05. Zoning of Vacated Areas

Any road, alley, railroad right-of-way or other public way or portion thereof within the Charter Township of Commerce not otherwise classified within the boundaries of a zoning district on the Official Zoning Map shall, upon vacation, automatically be classified in the same zoning district as the parcel(s) to which it attaches.

ARTICLE 5
LAND USE TABLE

SECTION 5.01. Key to Designations in Tables of Uses

SYMBOL	KEY	
P	Permitted Uses	Principal Uses
S		Special Land Uses
A		Accessory Use
[Blank]	Prohibited Uses in the District	

SECTION 5.02. Table of Permitted Uses by District

The uses of land in the following table have been organized, for convenience into use groups, based upon certain characteristics that the use groups share. These use groups are described below:

1. **Animal and Agricultural Uses.** These uses primarily involve the keeping, breeding or use of animals, the production or distribution of produce and farm-related products, and similar associated uses of a rural character or intensity.
2. **Residential Uses.** These uses primarily involve housing of various types and densities, and associated uses typically found in residential areas.
3. **Office and Service Uses.** These are generally privately-owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, workshops and studios, and similar associated uses.
4. **Community Uses.** These are generally publicly-owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population, or are uses that serve as focal or gathering points for members of the community.
5. **Commercial Uses.** These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services, lodging, and similar associated uses.
6. **Automotive Uses.** These are uses that cater to the automobile. These uses are generally larger in scale or intensity than a typical commercial use.
7. **Industrial, Research and Laboratory Uses.** These are uses that are generally of a light manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.

8. **Temporary, Special Event and Other Uses.** These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

Section 5.02 Table of Permitted Uses by District.

SYMBOL	KEY
P	Principal Use
S	Special Land Use
A	Accessory Use
	Prohibited Use

USES	R-1A	R-1B	R-1C	R-1D	R-2	RM	PRD	SPD	MHP	CV	TC	HRC	O	B-1	B-2	B-3	ULR	I	TLM	HF	HOS	Supplemental Performance Standards
ANIMAL AND AGRICULTURAL USES																						
Agricultural uses and facilities	P	P	P	P	P																	
Farm Markets	S										S	S										Section 26.504
Agritourism	P																					Section 26.506
Plant nurseries	S																					Section 26.315
Private stables, without a permit	A	A	A	A	A																	Section 26.108
Public stables and riding academies	S																					Section 26.109
Retail sales of fruit and vegetables in an open front building																						
Retail sales or plant materials and garden supplies																						
Roadside produce stand	P	S	S	S																		Section 26.511
RESIDENTIAL USES																						
Bed and Breakfast Establishments	S	S	S	S							S											Section 26.101
Family Day Care Homes	P	P	P	P	P	P																Section 26.103
Golf Course Open Space	S	S	S	S				S														Section 32.07
Group Day Care Home	S	S	S	S	S	S																Section 26.104
Home Occupations	P	P	P	P	P																	Section 26.105
Manager's apartment, living quarters											P	P						S				
Mobile homes									P													
Multiple family dwellings						P					P	S										Section 26.106
One family detached dwellings	P	P	P	P	P	P					S											
Residential care facilities											P											
Residential Open Space	S	S	S	S	S																	Section 32.05
Roadside Open Space Preservation Housing Developments	P	P	P	P	P																	Section 32.06
Senior and Elderly Housing						S					P											Section 26.110
The keeping of common household pets	P	P	P	P	P																	
Two family dwellings					P	P																Section 26.111
Two family dwellings, townhouses, and/or single family attached dwellings					P																	
OFFICE AND SERVICE USES																						
Banks and other similar financial institutions											P	P	P	P	P	P			S			
Child Care Centers, Adult Day Care												P/A	P	P	P	P						Section 26.202
Offices												P	P		P	P			P			
Massage Therapy																						Section 26.311
Newspaper distribution offices												P							S			

Section 26.20 - Permitted Uses Depend on Underlying District

Section 26.16-Permitted Uses Depend on Underlying District

Section 5.02 Table of Permitted Uses by District.

SYMBOL	KEY
P	Principal Use
S	Special Land Use
A	Accessory Use
	Prohibited Use

USES	R-1A	R-1B	R-1C	R-1D	R-2	RM	PRD	SPD	MHP	CV	TC	HRC	O	B-1	B-2	B-3	ULR	I	TLM	HF	HOS	Supplemental Performance Standards
Office for medical, dental and similar allied professions										See Article	P	P	P	P	P	P	See Article		P			
Office, showroom, or workshop of a decorator, upholsterer, or similar service business											P		P		P	P		P	P			
Personal service establishments											P	P		P	P	P						
Physical culture or health service facilities																						
Professional offices											P	P	P		P	P			P			
Sales offices, including manufacturer's representative offices												P	P		P	P			P			
Small animal veterinary clinics														P	P	P			P			
Veterinary hospitals or clinics																P						
COMMUNITY USES																						
Amusement Centers, Indoor and outdoors																		P				Section 26.301
Boat launch facilities	S	S	S																			Section 32.08
Cemeteries	S	S	S	S	S																	Section 26.201
Equestrian Trails							S					P										Section 26.102
Essential services											P											
Governmental offices											P								P			
Gun clubs								S														Section 26.204
Hospitals and urgent care centers																				P		
Instructional centers for music, art, dance, crafts, martial arts, and related uses; business schools															P	P						
Municipal buildings and uses	P	P	P	P	P	P	S				P			P	P	P			P			
Museums and art galleries															P	P						
Overnight camping facilities							S	S														Section 26.510
Performing arts center, theatres, assembly halls, community centers, or similar places of assembly											P											
Places of assembly	S	S	S	S		S					P											
Private clubs, fraternal organizations and lodge halls											S	S			S							Section 26.207
Private, not for profit, recreational facilities	S/A	S/A	S/A	S/A	S																	Section 26.107
Privately owned parks and playgrounds							S															Section 26.208
Public utility buildings, public service facilities, telephone exchange buildings, electric transformer					P													P	S			
Public, parochial and other private elementary, intermediate, and/or high schools offering courses	P	P	P	P	P				P													
Publicly owned and operated libraries, parks, parkways, and recreational facilities	P	P	P	P	P		P	P	P		P											
Publicly owned and operated buildings, including fire stations											P								P			
Retention ponds and treatment facilities								S														Section 26.513
Theaters, assembly halls, concert halls, or similar places of assembly																						
Ski Areas								P														
State-wide, regional, or municipal recreation facilities								P														

Section 5.02 Table of Permitted Uses by District.

SYMBOL	KEY
P	Principal Use
S	Special Land Use
A	Accessory Use
	Prohibited Use

USES	R-1A	R-1B	R-1C	R-1D	R-2	RM	PRD	SPD	MHP	CV	TC	HRC	O	B-1	B-2	B-3	ULR	I	TLM	HF	HOS	Supplemental Performance Standards
Tennis houses, racquetball courts, ice arenas and other similar uses involving large structures of the																		P				
Trade schools and colleges											P											
COMMERCIAL USES																						
Adult uses										See Article 20 - Permitted Uses Depend on Underlying District							See Article 16-Permitted Uses Depend on Underlying District					
Bowling alley															S	S						
Commercial dog kennels																		S				Section 26.401
Dance halls, gymnasiums, and similar recreation or entertainment facilities											P											
Drive-in and drive-through business											S				A/S	S						Section 26.308
Dry cleaning establishments, excluding plants											P											
Funeral homes											S	P	P									Section 26.309
Golf courses	S	S	S	S				P														Section 32.301
Golf driving ranges and miniature golf courses															S							Section 26.301
Hotels, Motels, and Inns											P	P									P	Section 26.310
Indoor theaters															P	P						
Indoor commercial recreation facilities											P	P										
Amusement parks, and similar recreation facilities																						
Motels, hotels and transient lodging facilities (but not including travel parks),												P										
Open air business uses: greenhouses, nurseries																S						Section 26.315
Outdoor recreation															P	S						
Outdoor theaters											P							S				Section 26.509
Radio or television studios																						
Restaurants: Carryout											P/A	P							S		P	
Restaurants: Outdoor Cafes											P	P			P	P					P	Section 26.313
Restaurants: Drive-in, drive-through, or fast-food restaurants											S	S									P/S	Section 26.308
Restaurants: Outdoor dining for restaurants with indoor seating											P	P			P	P					P	Section 26.313
Restaurants: taverns or other places serving foods or beverage											P	P			P	P			S		P	
Retail businesses associated with office, technology, or research uses.											P		P						P			
Retail and service establishments and shopping centers											P	P			P	P						
Retail food establishments											P	P		P	P	P						
Retail merchandise establishments											P	P		P	P	P			S			
Retail sales establishments for: convenience goods such as groceries, meats, dairy products, produce,											P	P		P	P	P						
Small equipment rental facilities																S						
Smoke Shops															S	S						Section 26.317

Section 5.02 Table of Permitted Uses by District.

SYMBOL	KEY
P	Principal Use
S	Special Land Use
A	Accessory Use
	Prohibited Use

USES	R-1A	R-1B	R-1C	R-1D	R-2	RM	PRD	SPD	MHP	CV	TC	HRC	O	B-1	B-2	B-3	ULR	I	TLM	HF	HOS	Supplemental Performance Standards
AUTOMOTIVE USES																						
Automobile service stations; retail sales of motor vehicle fuels																S						Section 26.302
Automobile service centers and repair garages																A		P				Section 26.303
Automobile showrooms and outdoor sales and display space																S						Section 26.305
Automotive service centers, or tire, battery, and accessory centers																S						Section 26.304
Auto, carting, and snowmobile tracks																		S				
Bicycle, motorcycle, trailer, motor vehicle, boat or home equipment sales and service																						
Car wash establishments																P						Section 26.306
Muffler, rust proofing and transmission shops and automobile service garages																						Section 26.303
New or used car sales office or showroom																						Section 26.305
Outdoor sales space for the sale of new or used automobiles, mobile homes, or boats																						Section 26.305
Rental space for the storage of vehicles																		S				
Utility-type trailer rental facilities																						
Manufacture, compounding, processing, packaging or treatment of such products as, but not limited																		P				
INDUSTRIAL, RESEARCH AND LABORATORY USES																						
Self-storage/mini warehouses												S						P				
Aircraft operation facilities																		S				
Building material storage and sales, provided that such uses located within the boundaries of the																		P				
Laboratories for applied research, testing, etc. office																		P	P			
Laboratories-experimental, film, or testing																		P	P			
Lumber and planing mills																		S				
Research, development, engineering, and design of high-technology equipment											P								P			
Research: photonics, robotics, and electrical equipment																			P			
Data processing and computer centers																			P			
Dry cleaning plants																		P				
Light manufacturing, research and development																		P	P			
High technology service uses																			P			
Engine product research																			P			
Heating and electric power generating plants																		S				
Mineral and soil removal																		S				Section 26.503
Utility warehouse, storage, transfer, electric and gas service buildings and yards; water supply and																		P	S			
Wireless towers																		S	S			Section 26.518
Warehousing and wholesale																		P	S			

CV: ed Uses Depend on Underlying District

ULR: d Uses Depend on Underlying District

Section 5.02 Table of Permitted Uses by District.

USES	SYMBOL	KEY
	P	Principal Use
	S	Special Land Use
	A	Accessory Use
		Prohibited Use

USES	R-1A	R-1B	R-1C	R-1D	R-2	RM	PRD	SPD	MHP	CV	TC	HRC	O	B-1	B-2	B-3	ULR	I	TLM	HF	HOS	Supplemental Performance Standards
Outdoor storage										See Article 20 - Permitte							See Article 16-Permitte	P				
Manufacture, compounding, processing, packaging or treatment of such products as, but not limited																		P	S			
Manufacture, compounding, assembling, or treatment of articles or merchandise from previously												P						P				
Manufacture of pottery and figurines or other similar ceramic products using only previously																		P				
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small																		P				
Manufacture or assembly of electrical appliances, electronic instruments and devices, radio and																		P				
Manufacture and repair of electric or neon signs, light sheet metal products, including heating and																		P				
Metal plating, buffing and polishing																		S				
Railroad transfer and storage tracks																		S				
Freight yards and terminals																						
Truck and tractor facilities, storage and repair																		P				
Medical Marihuana cultivation building																		S				Section 26.402
Outdoor uses: testing facilities for prototype products and facilities used for training employees.																			S			
TEMPORARY, SPECIAL EVENT AND OTHER USES																						
Accessory buildings and accessory uses	A	A	A	A	A	A			A		A	A	A	A	A	A		A	A			
Bus passenger stations																P						
Fairgrounds, horse, and dog race tracks																		S				
Lake access	S	S	S	S		S																Section 32.08
Outdoor display and sales of Christmas trees															P	P						Section 26.508
Private subdivision parks	P	P	P	P	P																	Section 26.107
Temporary outdoor sales events														S	P	P						Section 26.516
Temporary Construction and Real Estate Sales	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A		A	A	A	A	Section 26.501

Note: This table is intended to be a summary of uses permitted in each district. The reader is advised to consult the lists of principal, special, and accessory land uses for each District in Articles 7 - 24A for more detailed information. In the event of a conflict between this table and Articles 7 - 24A, Articles 7 - 24A shall govern.

ARTICLE 6
DIMENSIONAL STANDARDS

SECTION 6.01. Table of Dimensional Standards by District

STANDARDS			PRD	SPD	R-1A	R-1B	R-1C	R-1D	R-2 (S)	RM	MH	B-1	B-2	B-3	ULR	CV	TC	HRC	O	TLM	I	HF	HOS
Building Height (feet)	Maximum	Feet	35	35	35	35	35	35	35	35	See Article 17 (Mobile Home Park District)	35	35	35	See Article 16 (Union Lake Road Overlay District)	See Article 20 (Commerce Village Overlay)	See Article 19 (Town Center Overlay)	See Article 18 (Haggerty Road Corridor Overlay)	35	35	45	35 (V)	35 (Q)
		Stories	2½	2½	2½	2½	2½	2½	2½	2½		2	2	2					2	2	2	2 (V)	2 (Q)
Lot Standards (per unit)	Minimum Width (feet)		200	200	100(A)	70(A)	60(A)	50(A)	(R)	150 (A)		100(A)	100(A)	100(A)					150	100	100	100	100
	Minimum Area (square-feet)		5ac	5ac	20,000	12,000	10,000	7,200	(R)	(F)(G)		12,000	12,000	12,000					15,000	20,000	20,000	10ac	1.5ac
	Maximum Coverage (%)		35	35	35	35	35	35	35	(N)		(N)	(N)	(N)					(N)	(N)	(N)	(N)	(N)
Yard / Setback Standards (feet)	Front Yard	Minimum	25	25	25 (B) (W)	25(B) (W)	25(B) (W)	25(B) (W)	30(T)	30(H)		30(J)	30(J)	30(J)					30(J)	30(J)	30(J)	50(J)	35
	Minimum Side Yard	One Side Yard			4(C)(D)	4(C)(D)	4(C)(D)	4(C)(D)	4(C)(D)	30(H)		10(K)	10(K)	15(K)					10(K)	25(O,P)	25(O,P)	50	15
		Total of Two			14	14	14	14	14	30(H)		20	20	30					20	50	50	100	30
	Minimum Rear Yard				35	35	35	35	30	35(H)		25(L)	25(L)	30(L)					35(L)	35	35(M)	50	35
Minimum Gross Floor Area (square feet/unit)					(E)	(E)	(E)	(E)	(E)	(I)													
Minimum Land Area per Principal Dwelling Unit (square feet/unit)										(G)													

DISTRICT NAME	SYMBOL
Public Recreation District	PRD
Special Purpose district	SPD
Large Lot Single Family Residential	R-1A
Single Family Residential	R-1B
Single Family Cottage Residential	R-1C
Single Family Neighborhood Residential	R-1D
Attached Residential	R-2
Multiple Family Residential	RM
Manufactured Housing	MH
Parking	P
Local Business	B-1
Community Business	B-2
General Business	B-3
Union Lake Road District Overlay	ULR
Commerce Village Overlay District	CV
Town Center Overlay District	TC
Haggerty Road Corridor Overlay District	HRC
Office	O
Technology and Light Manufacturing	TLM
Industrial	I
Hospital Facilities	HF
Hospitality	HOS

SECTION 6.02. Footnotes to the Table of Dimensional Standards

A. Where a platted subdivision or a single family detached residential site condominium project is proposed to be developed under the Road Commission for Oakland County's open ditch road option specified in Section 3.B.4 of its "Procedures for Plat Development and Standards and Specifications," the minimum lot width shall not be less than one hundred fifty (150') feet.

B. The waterfront setback for a water frontage lot shall be no less than the minimum front yard requirement for the zoning district in which the lot is located. If a setback of greater depth than specified exists on adjacent lots at the time of passage of this Ordinance, then the required minimum setback shall not be less than the average setback of the dwellings on the adjacent lots but the maximum setback shall be fifty (50') feet. The fifty foot maximum does not apply where an average setback greater than fifty (50') feet is established because there is an intervening subdivision outlot, condominium common area or other communal property separating the water frontage lot from the water's edge.

C. At no time shall any dwelling be constructed less than ten (10') feet from a dwelling on an adjacent lot.

D. In the case of a corner lot, the side yard abutting the road shall not be less than that required for a front yard.

E. The minimum floor area in the R-1A, R-1B, R-1C and R-1D One Family Residential Districts, and the R-2 Two Family Districts, shall be based upon the following schedule:

	R-1A	R-1B	R-1C	R-1D	R-2
	Minimum Floor Area Per Unit (In Square Feet)				
One (1) story in Height	1,500	1,200	1,050	900	900
One and One-Half (1 ½) stories and Tri-levels	1,800	1,500	1,300	1,100	1,100
Two (2) Stories in Height and More	1,900	1,750	1,550	1,300	1,300

Attached private garages may occupy 900 square feet or 50% of the ground floor area, whichever is greater, in addition to the required Minimum Floor Area of the proposed building.

F. No multiple-family structure (three (3) or more attached dwelling units) shall be erected on a lot or parcel of land which has an area of less than one-half (1/2) acre, or has a lot width of less than one hundred and fifty (150') feet.

G. The following minimum lot area per dwelling unit type shall be required in all RM Multiple Family Residential Districts:

Dwelling Unit Type	Minimum Lot Area Per Unit
Efficiency and One Bedroom	4,000 sq.ft.
Two-Bedroom	5,000 sq.ft.
Three-Bedroom	6,500 sq.ft.
Four or More Bedrooms	8,500 sq.ft.

Plans presented which include a den, library, or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.

H. Yards abutting major thoroughfares, as defined in Article 2, shall have a minimum depth of fifty (50') feet.

I. Minimum floor areas for apartments shall be as follows:

1. Efficiency Apartment: the term "Efficiency Apartment" shall mean a dwelling unit containing not over five hundred (500) square feet of floor area, and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
2. One-Bedroom Unit: The term "One-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
3. Two-Bedroom Unit: The term "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least seven hundred (700) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining, and necessary sanitary facilities.
4. Three or More Bedroom Unit: The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of one hundred fifty (150) square feet to the minimum floor area of seven hundred fifty (750) square feet.

J. Required front yards, and road side yards on corner lots, shall not be used for parking, loading or any other use except for drives necessary for access to and from the site from the road and except as otherwise provided herein**.**

K. In all O and B Districts, no side yards are required except in the following circumstances:

1. If walls of structures facing interior side lot lines contain windows, or other openings, including those required by the Michigan Building Code or for emergency ingress and egress, the minimum yard requirements shall be met.

2. Where O and B Districts abut any Residential zoning and SP Districts, the minimum side yard requirement shall be thirty (30') feet.

3. In O and B Districts, the minimum side yard requirement shall be met for the exterior side of a corner lot, and for the exterior side of a parcel or lot on the exterior of the District.

L. In all O and B Districts, off-street loading and unloading shall be provided in the rear yard at the ratio of at least one space per establishment where required, and shall be provided in addition to any required off-street parking area. Loading and unloading may be permitted in the side yard provided a setback of fifty (50') feet is maintained.

M. Any portion of a front, side or rear yard not utilized for storage, parking, loading or unloading shall be planted in berm or landscaping and shall be maintained in a neat condition.

N. The minimum floor area per unit and maximum percentage of lot coverage by all buildings shall be determined by the use of the lot, the provision of off-street parking, loading and storage areas, and required yards.

O. Where the lot or parcel lies within the interior of the industrial district, the side yard may be reduced to fifteen (15') feet where no openings or windows are contained in the wall paralleling the side lot line, but where there are any openings or windows, other than those required by Michigan Building Code or for emergency ingress and egress, the side yard shall not be less than twenty-five (25') feet. In the I (Industrial) Districts, a minimum 50-foot side yard setback shall be provided from the boundary of any abutting residential zoning district.

P. In I Districts, required side or rear yards may be utilized for parking and loading and unloading provided that in such instances the Planning Commission shall review the plans for such area to assure sufficient access to the building, or any storage or related areas, to provide for the health, safety and general welfare of employees in the building.

Q. Building Heights in excess of two (2) stories or thirty five (35) feet are permitted up to four (4) stories or forty eight (48) feet, whichever is less. For each foot of building height above thirty five (35) feet, the minimum yard requirements shall increase one foot on all required yards.

R. Minimum project size: No structure shall be erected in the R-2 Residential District on a lot or parcel of land which has an area of less than one-half (1/2) acre or a lot width of less than one hundred fifty (150') feet.

S. The permitted density within the R-2 Residential District shall not exceed 4.5 dwelling units per net acre.

T. The minimum front yard setback shall be thirty (30') feet from the back of curb.

U. It is the purpose of this section to require an additional setback from certain major thoroughfares which serve or are anticipated to service as main traffic arterials and/or are rated for high existing or anticipated traffic volumes. Additional setbacks are intended to improve traffic flow, visibility, pedestrian safety and traffic safety in general. In cases involving the following roads the setback line distance shall be measured in feet from a point to the centerline of the proposed right of way of the road as indicated below.

Road	**Setback line from centerline of road**
Bass Lake Road	60’
Beck Road	60’
Benstein Rod	60’
Bogie Lake Road	60’
Carey Road	60’
Carroll Lake Road	60’
Charms Road	60’
Commerce Road	60’
Cooley Lake Road	60’
Duck Lake Road	60’
Fourteen Mile Road	60’
Glengary Road	60’
Haggerty Road	60’
Ladd Road	60’
Maple Road	60’
Martin Road	60’
McCoy Road	60’
Newton Road	60’
Oakley Park Road	60’
Pontiac Trail	60’
Richardson Road	60’
Sleeth Road	60’
S. Commerce Road	60’
Union Lake Road	60’
Walnut Lake Road	60’
Welch Road	60’
Wise Road	60’
Wixom Road	60’

V. Building heights in excess of two (2) stories or thirty five (35) feet are permitted up to five (5) stories. For each foot of building height above two (2) stories or thirty five (35) feet the minimum yard requirement shall be increased one foot on all required yards.

W. The setback requirements in Section 33.02 govern residential fences.

SECTION 6.03. Front Yards

Any required front yard area shall be used primarily for open space and ornamental purposes, unless otherwise permitted by this Ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar improvements permitted by this Ordinance. Front yards shall be further subject to the following:

A. Existing Neighborhoods

Where the predominant pattern of front yard setbacks on a single block in the R (One Family Residential) District is less than that required by Article 6, the minimum front yard setback for any new addition to an existing structure or any new structure on the same block may be reduced to the average front yard depth of existing structures on the same side of the street.

B. Corner Lots

Structures on corner lots shall comply with the minimum front yard setback requirements from all road rights-of-way, except as may otherwise be required by this Ordinance. Such lots shall be deemed to have two (2) front yards for purposes of this Ordinance.

C. Double Frontage Lots

Where a block of double frontage lots exists, one (1) road may be designated by the Zoning Administrator as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this Ordinance.

D. Maximum Setback

The purpose of the maximum front yard setback (also known as a "build-to line") established for the B-2 (Community Business) Districts is to preserve the unique character of the Township's downtown commercial area, provide a pleasant and diverse experience for pedestrians, and enhance the Township's attractiveness and economic vitality.

All new buildings, alterations and expansions constructed after the effective date of this Ordinance shall follow the established historic development pattern of these areas of the Township by complying with the maximum setback requirements of this Article.

SECTION 6.04. Reserved

SECTION 6.05. Height Exceptions

Exceptions to the maximum height standards set forth in this Article shall be permitted, as follows:

A. **Exempt structures**. Farm buildings, flagpoles, water towers, and public monuments in any zoning district shall be exempt from the maximum height standards of this Ordinance. Wireless communication towers and antennae shall be subject to the maximum height standards of Article 26.

B. **Limited exceptions**. Chimneys, steeples and spires, cupolas, elevator towers, stage scenery lofts, mechanical equipment, and similar structures shall not be included in calculating the height of a principal building.

SECTION 6.06. Permitted Yard Encroachments

Architectural features, chimneys, and other building projections and attached structures shall be considered part of the primary building for purposes of determining yard and setback requirements. The following features are permitted to project into certain required yards as follows:

Projection	Yard	Restrictions
Air conditioners, transformers, generators, and similar types of ground-mounted equipment	Rear, Side	Not permitted in any required front yard. Units located within any required side yard shall be screened by fencing or similar means approved by the Building Director.
Access drives and sidewalks	All	None
Arbors and trellises	All	None.
Architectural features (such as cornices, eaves, gutters, sills, pilasters, bay windows, and similar elements)	All	May project into a required side yard up to three (3) inches per foot of side yard width, and may project up to three (3) feet into a required front or rear yard.
Balconies, fire escapes, and similar structures	Rear	May project up to six (6) feet into required rear yard.
Egress Window Wells	All	May project up to four (4) feet into a required yard. Egress window wells in the front yard shall be screened from view.
Flagpoles	All	Flagpoles shall be set back a minimum of 20 feet from all lot boundaries and road rights-of-way.
Handicapped access ramps	All	None
Off-street parking lots	All	See Article 28 (Parking, Loading, and Access Management)

Projection	Yard	Restrictions
Propane tanks	Rear	Not permitted in any required front yard. Units located within any required rear yard shall be screened by landscaping or other means approved by the Building Director to completely obscure the unit from view.
Signs	Front	See Article 30 (Signs)
Unenclosed (no walls or permanent roofs): terraces, porches, patios, or decks, which are less than thirty (30) inches above existing grade	Front (Lakeside)	May project up to ten (10) feet into a required front yard
Unenclosed (no walls) covered: terraces, porches, patios, or decks, which are less than thirty (30) inches above existing grade, and awnings, canopies, and stairways	Front (Roadside). Rear	May project up to ten (10) feet into a required front yard and 15 feet into a required rear yard.

SECTION 6.07. Area and Yard Regulations

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located

A. Lot Standards

1. New lots created after the effective date of adoption or amendment of this Ordinance shall comply with all applicable dimensional standards of this Ordinance.
2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this Ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.
4. Existing yard setbacks shall not be reduced below the minimum requirements of this Ordinance.

B. Number of Principal Uses per Lot

Only one (1) principal building shall be placed on a lot of record in a single-family residential district. For single-family condominium developments, only one (1)

principal building shall be placed on each condominium lot, as defined in Article 2.

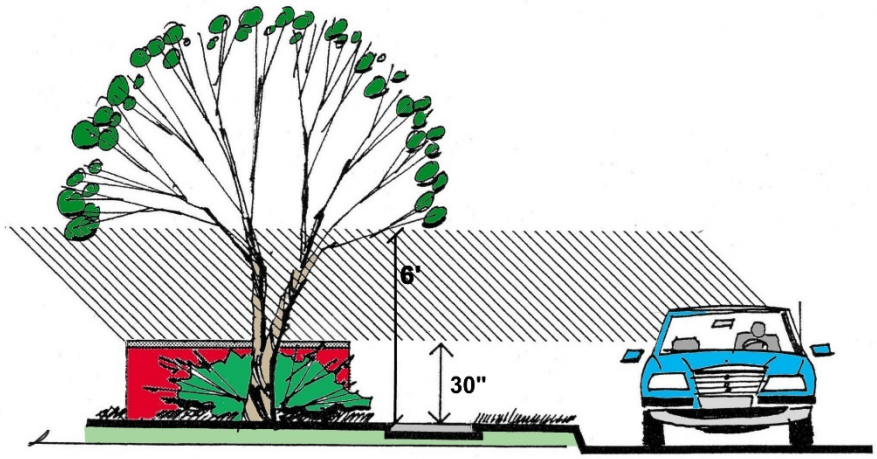
SECTION 6.08. Frontage and Access Required

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved road. Indirect access via a private access easement shall not be sufficient to satisfy this requirement.

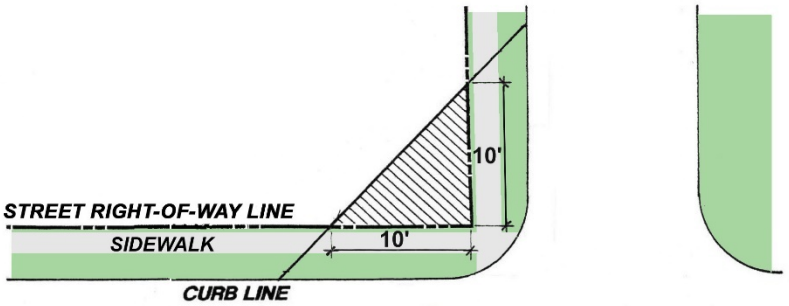
SECTION 6.09. Corner Clearance

No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the height of thirty (30) inches and six (6) feet above the existing road grade within a triangular area formed by the intersection of two (2) road right-of-way lines connected by a diagonal across the interior of such lines at points ten (10) feet from the point of intersection. Trees shall be permitted within the triangular area, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

Buildings in the B-2 (Community Business) Districts shall be exempt from this requirement. Upon review of site circulation, visibility and accessibility, the Planning Commission may require additional corner clearance area for sites in the B-3 (General Business) District.



ELEVATION



PLAN

Corner Clearance Area

ARTICLE 7
PRD, PUBLIC RECREATION DISTRICT

Preamble

The Public Recreation District (PRD) is established to provide for areas within the Township that are compatible with the need to: protect and enhance vital Township natural resources and amenities, fish and wildlife habitats, woodlands, wetlands and water resources; protect public lands from the encroachment of conflicting land uses; insure compatibility with the existing and planned adjoining residential uses; protect the fragile natural resources within this district; and, exclude certain uses which demand substantial public services such as sewer or water facilities which have not been provided for in the Township's Master Sanitary Sewer and Water Plan.

SECTION 7.01. Principal Land Uses Permitted

A. Publicly owned and operated nature trails, botanical gardens, woodland preserves, open space, wildlife sanctuaries or similar facilities provided that the use does not result in a material modification of the natural appearance of the site.

B. Publicly owned and operated parks and playgrounds, and athletic fields and game courts for baseball, basketball, football, tennis, soccer and other similar athletic activities not utilizing mechanical or motorized equipment.

C. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

D. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 7.02. Special Land Uses Permitted

The following uses may be permitted, under the purview of Article 34, by the Planning Commission, after site plan review and a public hearing, and subject to other reasonable conditions, which in the opinion of the Planning Commission are necessary to provide adequate protection to the health, safety and general welfare of the abutting property owners:

A. Overnight camping facilities subject to Article 26.

B. Privately owned parks and playgrounds subject to Article 26.

C. Municipal and utility buildings.

D. Equestrian trails subject to Article 26.

E. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

SECTION 7.03. Area, Height and Bulk Requirements

See Table 6.01 Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

SECTION 7.04. Required Conditions

All principal permitted uses and special land uses shall be subject to the following conditions:

A. Such uses shall be designed to protect the rural viewshed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred feet, where existing natural features, such as wetlands, woodlands, hedgerows, undulating landforms, and scenic vistas are preserved and incorporated into the landscape.

B. A design and operations plan shall be prepared by the applicant and subject to approval by the Planning Commission. The plan shall meet the highest standards of the industry for ensuring the protection of adjacent areas from potential negative impact of the proposed use. The provisions of the approved plan shall be the ongoing responsibility of the owner of the property. No design and operations plan shall be approved unless and until one or more independent experts have studied the plan and have testified that it meets the standards specified herein. Experts may be retained by the Township to fulfill the requirement for expert testimony; the expense to be the responsibility of the applicant. Violation of the provisions shall be grounds for revoking the special use approval following a hearing by the Planning Commission.

C. Access and egress requirements: Access and egress shall be provided only from a major thoroughfare.

D. Noise: Areas where noise generating activities are located shall be set back and/or screened with walls, berms, depressions or natural features, which ensure that the impact of any noise will meet all zoning ordinance requirements. It will be the responsibility of the applicant to prepare adequate studies to demonstrate that the proposed facilities and activities will comply. It will also be the responsibility of the applicant to pay the Township's costs for an independent evaluation of the applicant's studies.

E. Sight barriers for special land uses: Sight or sound barriers shall be provided along the entire periphery of the area in which activities take place. Required sight and sound barriers may be interrupted only where necessary to provide for access and egress. Such barriers must be one of or a combination of the following items, which the Township determines to be the most appropriate for the subject site and use:

1. Earth berms constructed in accordance with Township engineering standards so that the berms will not disrupt drainage or cause flooding. Berms shall be planted with grass, trees and shrubs, AND/OR
2. Rows of coniferous or other suitable species in staggered rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows sufficient to provide immediate year round screening substantially equivalent to the berm described above, AND/OR
3. Natural topographic or vegetative conditions sufficient to provide year round screening substantially equivalent to the berm and/or trees described above.

m:\ctc\zoning ordinance\current ordinance\article 7 - prd.doc

ARTICLE 8
SP, SPECIAL PURPOSE DISTRICT

Preamble

The Special Purpose District (SP) is hereby established to provide for uses which are largely open space and/or recreational in character. The intent of this district is to accommodate low intensity use of large parcels of land. Special consideration is given to these lands in an attempt to meet the Township's goal of preserving open space while providing for a range of reasonable uses of land.

SECTION 8.01. Principal Uses Permitted

In the SP Special Purpose District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. State-wide, regional, or municipal public recreation facilities such as the park areas provided by the Michigan Department of Natural Resources, the Huron-Clinton Metropolitan Authority, and the Charter Township of Commerce.

B. Golf courses and ski areas which may be or may not be operated for profit, but specifically excluding miniature golf courses.

C. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

D. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

E. Municipal buildings and uses.

SECTION 8.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions, which in the opinion of the Planning Commission are necessary to provide adequate protection to the health, safety and general welfare of the abutting property owners:

A. Overnight camping facilities subject to Article 26.

B. Gun clubs subject to Article 26.

C. Golf Course Open Space Housing Development subject to the criteria in Article 32.

D. Retention ponds and treatment facilities as provided in Article 26 of this Ordinance.

E. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.

F. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

SECTION 8.03. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

m:\ctc\zoning ordinance\current ordinance\article 8 sp.doc

ARTICLE 9
R-1A, LARGE LOT ONE FAMILY RESIDENTIAL

Preamble

The intent of the Large Lot One Family Residential District is to provide areas of the Township for the construction and continued use of single family dwellings within stable neighborhoods.

The regulations in this district are intended to promote development that preserves the physical characteristics of the land and natural environment to the maximum extent possible, thereby retaining the "rural-like" features of the Township. It is further the intent of this district to prohibit multiple family, office, business, commercial, or industrial use of the land, and to prohibit any other use which would substantially interfere with single family development or affect quality of life in this district. It is the intent to keep neighborhoods relatively quiet and free of unrelated traffic noise.

It is intended that developments in this district be designed to preserve significant natural features. Preservation of open space, protection of flood prone areas, protection of wooded areas, and preservation of other natural features is encouraged.

SECTION 9.01. Principal Uses Permitted

In the R-1A, Large Lot One Family Residential District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. One family detached dwellings

B. Agricultural uses and facilities, but not including the following agricultural operations:

1. Mushroom growing, subject to Article 26.
2. Production of dairy products,
3. Dairy farming,
4. Livestock farming, including breeding, feeding or grazing, subject to Article 26.
5. Poultry or egg production, unless at least one of the following criteria is met:

    a. The poultry or egg production satisfies the use standards set forth in Article 26; or

    b. The subject property is 10 acres or greater, has a one family detached occupied dwelling, and the poultry or egg production is in compliance with the applicable GAAMPs as established by the Michigan Department of Agriculture or its successors.

and

6. Grain drying operations.

C. Agritourism, as defined in Article 2, subject to the following conditions:

1. Agritourism businesses shall have a minimum parcel size of eighty (80) acres.

2. Parking shall be provided entirely on site.
3. Agritourism operations and preserved open space shall have a minimum frontage of 2,640 feet adjacent to a major thoroughfare.
4. If the subject parcel is already developed with residential or farm structures, new structures, including one residential structure and structures related to agritourism operations shall be permitted on the qualifying site. Exempting current structures, any new structures shall be set back at least 100 feet from the edge of the thoroughfare.

D. Publicly owned and operated libraries, parks, parkways, and recreational facilities.

E. Private subdivision parks, subject to Article 26.

F. Municipal buildings and uses.

G. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, but not including driving schools or educational facilities operated for profit.

H. Roadside produce stands subject to Article 26.

I. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.

J. Private stables, without a permit, are allowed as an accessory use to one family detached dwellings, provided there is not more than one (1) horse on a lot where said lot is not less than two (2) acres in area and provided further that for each additional horse stabled thereon, one (1) acre of land shall be provided. Confinement areas and/or stables shall be located in the rear yard and shall be usable area. No horse shall be allowed to run at large. Private stables shall be subject further to Article 26.

K. Family Day Care Homes as provided in Article 26.

L. Child Foster Family Homes, Child Foster Family Group Homes, and Adult Foster Family Homes.

M. Roadside Open Space Preservation Housing Developments subject to Article 32.

N. Home Occupations, subject to Article 26.

O. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

P. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

Q. Backyard poultry is allowed as an accessory use to a one family detached dwelling, subject to the applicable standards set forth in Article 26.

SECTION 9.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which,

in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals, and comfort of the abutting property, neighborhood and Township:

A. Bed and breakfast establishments, subject to Article 26.

B. Cemeteries, subject to Article 26.

C. Farm markets, subject to Article 26.

D. Golf Course Open Space Option, subject to Article 32.

E. Golf courses (excluding miniature golf courses).

F. Places of worship.

G. Large scale institutional uses, subject to Article 26.

H. Group day care home, subject to Article 26.

I. Lake access, subject to Article 32.

J. Plant materials nurseries, subject to Article 26.

K. Private, not for profit, recreational facilities located within principally permitted residential subdivisions or principally permitted residential condominium developments including: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc.), provided there is not spectator seating; swimming pools and related facilities; beach facilities; and stables, subject to Article 26.

L. Public stables and riding academies, subject to Article 26.

M. Residential Open Space (Cluster) Option, subject to Article 32.

N. Boat launch facilities on commonly-owned property, subject to Article 32.

O. Adult Foster Care Small Group Home.

P. Adult Foster Care Large Group Home.

Q. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.

R. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

SECTION 9.03. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

SECTION 9.04. Building Form and Composition

See Article 27 for building form and composition requirements regulating the shape, placement, design, and quality of the built environment for all residential developments subject to review per Article 35 (Site Plan Review).

ARTICLE 10
R1-B, ONE FAMILY RESIDENTIAL
R1-C, ONE FAMILY COTTAGE RESIDENTIAL
R1-D, ONE FAMILY NEIGHBORHOOD RESIDENTIAL

Preamble

The One Family Residential (R1-B through R1-D) Districts are hereby established for the purpose of providing a range of housing choices, encouraging the development and maintenance of suitable neighborhoods for families and children, and limiting uses that would adversely impact residential neighborhoods. The intent of these districts is to provide for an environment of predominantly one-family detached dwellings that are developed consistent with the established or desired form of the area, along with other associated uses and facilities that serve residents in the district.

The One Family Residential Districts are further established based upon the historical development patterns and the Master Plan for Commerce Township. Each district has been created to recognize the unique development patterns of particular areas of the Township.

It is the further intent of these districts to prohibit or restrict any land use or development pattern that would substantially interfere with development or continuation of one-family detached dwellings in the district, would generate traffic on minor or local roads in excess of normal traffic serving the residences on those roads, or would, because of its character or size, create requirements and costs for public services (such as fire and police protection), water supply or sewerage, substantially in excess of such requirements and costs if the district were developed solely for one-family dwellings. It is the intent to keep neighborhoods relatively quiet and free of unrelated traffic noise.

SECTION 10.01. Principal Uses Permitted

In the R-1B, R-1C and R-1D One Family Residential Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. One family detached dwellings.

B. Agricultural uses and facilities, but not including the following agricultural operations:

1. Mushroom growing, subject to Article 26.
2. Production of dairy products,
3. Dairy farming,
4. Livestock farming, including breeding, feeding or grazing, subject to Article 26.
5. Poultry or egg production, unless at least one of the following criteria is met:

    a. The poultry or egg production satisfies the use standards set forth in Article 26; or

b. The subject property is 10 acres or greater, has a one family detached occupied dwelling, and the poultry or egg production is in compliance with the applicable GAAMPs as established by the Michigan Department of Agriculture or its successors.

and

6. Grain drying operations.

C. Publicly owned and operated libraries, parks, parkways, and recreational facilities.

D. Private subdivision parks, subject to Article 26.

E. Municipal buildings and uses.

F. Public, parochial and other private elementary, intermediate, and/or high schools offering courses in general education, and not operated for profit, but not including driving schools or educational facilities operated for profit,

G. The keeping of common household pets shall be permitted without a permit provided they are not kept for purposes of breeding, boarding, sale or transfer. However, no more than three (3) dogs or cats, of more than six (6) months old, shall be permitted on any lot or parcel.

H. Private stables, without a permit, are allowed as an accessory use to one family detached dwellings provided there is not more than one (1) horse on a lot that is less than two (2) acres in area and provided further that for each additional horse stabled thereon, one (1) acre of land shall be provided. All confinement areas and/or stables shall in all instances be located in the rear yard and shall be in upland area. No horse shall be allowed to run at large. Private stables shall be subject further to Article 26.

I. Family Day Care Homes as provided in Article 26.

J. Child Foster Family Home, Child Foster Family Group Home, and Adult Foster Family Home.

K. Roadside Open Space Preservation Housing Developments subject to Article 32.

L. Home occupations, subject to Article 26.

M. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

N. Except in the TC, Town Center Overlay District, uses determined to be similar to the above principal permitted uses shall be allowed in accordance with the criteria set forth in Article 26 and provided they are not listed below as special land uses.

O. Backyard poultry is allowed as an accessory use to a one family detached dwelling, subject to the applicable standards set forth in Article 26.

SECTION 10.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals, and comfort of the abutting property, neighborhood and Township:

A. Bed and Breakfast Establishments, subject to Article 26.

B. Cemeteries, subject to Article 26.

C. Golf Course Open Space Option, subject to Article 32.

D. Golf courses (excluding miniature golf courses).

E. Places of assembly.

F. Group Day Care Home, subject to Article 26.

G. Lake access, subject to Article 32.

H. Private, not for profit, recreational facilities located within principally permitted residential subdivisions or principally permitted residential condominium developments including: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc), provided there is not spectator seating; swimming pools and related facilities; beach facilities; and stables subject to Article 26.

I. Residential Open Space (Cluster) Option, subject to Article 32.

J. Roadside produce stand, subject to Article 26.

K. Boat launch facilities, subject to Article 32.

L. Adult Foster Care Small Group Home.

M. Adult Foster Care Large Group Home.

N. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.

O. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

P. Public Utility Buildings, provided they meet the below noted conditions:

1. Front yard setback shall be a minimum of fifty (50) feet.
2. Side yard setbacks shall be a minimum of twenty-five (25) feet.
3. Rear yard setbacks shall be a minimum of fifty (50) feet.
4. Height is limited to one story or fourteen (14) feet.
5. Building materials shall be compatible with adjacent structures; traditional materials such as masonry, stone, or brick are preferred. The use of concrete block is prohibited.
6. Any utility meters, conduit, etc. shall be screened or otherwise hidden so they are not visible. If vegetation is used to screen, it shall be of an evergreen variety so as to ensure year round screening.
7. Exterior lighting shall comply with the requirements in Article 31. Lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited.

8. No more than three parking spaces shall be allowed per site. Parking shall be paved and striped according to Zoning Ordinance requirements.
9. Any fenced-in areas shall be screened with landscaping with the exception of that portion of the fencing that contains a gate/door.
10. Maximum lot coverage shall not exceed 35%.
11. Such other conditions as the Planning Commission deems appropriate in order to mitigate any potential negative effects of such a use.

SECTION 10.03. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

SECTION 10.04. Building Form and Composition

See Article 27 for building form and composition requirements regulating the shape, placement, design, and quality of the built environment for all residential developments subject to review per Article 35 (Site Plan Review).

ARTICLE 11
R2, ATTACHED RESIDENTIAL

Preamble

The Attached Residential District (R-2) is hereby established for the purpose of providing a range of housing choices, encouraging the development and maintenance of suitable neighborhoods for families and children, and prohibiting uses of land that would adversely impact residential neighborhoods. The intent of the district is to provide for an environment of predominantly attached and detached single-family dwellings, along with other associated uses and facilities that serve the residents in the district. Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, privacy and recreation areas). The standards of this district are intended to prevent congestion on public roads, reduce hazards to life and property, provide adequate recreation areas and basic amenities, and ensure compatibility with adjacent single-family residential districts.

SECTION 11.01. Principal Uses Permitted

In the R-2 Attached Residential Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Any of the principal uses permitted under the provisions of Article 10, and provided the standards of Article 6 for the R-1D One Family Residential District are met.

B. Two family dwellings, townhouses or other single family attached dwellings, provided no structure contains more than two (2) dwelling units, subject to Article 26. Preferably, each unit will have its own individual entrance that faces the street, although alternative designs may be considered that minimize the appearance of garage doors from the street.

C. Agricultural uses and facilities, but not including the following agricultural operations:

1. Mushroom growing, subject to Article 26.
2. Production of dairy products,
3. Dairy farming,
4. Livestock farming, including breeding, feeding or grazing, subject to Article 26.
5. Poultry or egg production, and
6. Grain drying operations.

D. Family day care homes as provided in Article 26.

E. Child Foster Family Home, Child Foster Family Group Home, and Adult Foster Family Home.

F. Adult Foster Care Small Group Home.

G. Adult Foster Care Large Group Home.

H. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

I. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 11.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals, and comfort of the abutting property, neighborhood and Township:

A. Cemeteries, subject to Article 26.

B. Places of assembly.

C. Group Day Care Home, subject to Article 26.

D. Private, not for profit, recreational facilities located within principally permitted residential subdivisions or principally permitted residential condominium developments including: community buildings; racquet courts (tennis, platform tennis, racquet ball, etc), provided there is not spectator seating; swimming pools and related facilities; beach facilities; and stables, subject to Article 26.

E. Residential Open Space (Cluster) Option, subject to Article 32.

F. Adult Foster Care Congregate Facility.

G. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.

H. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

SECTION 11.03. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

ARTICLE 12
RM, MULTIPLE FAMILY RESIDENTIAL

Preamble

The RM, Multiple Family Residential Districts are designed to provide sites for multiple dwelling structures with height restrictions compatible with one family residential districts, to serve the limited needs for the apartment type of unit in an otherwise single family residential community, and to provide zones of transition. The RM District is intended generally for the development of a planned complex of buildings on acreage parcels.

Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, privacy and recreation areas). The standards of this district are intended to prevent congestion on public roads, reduce hazards to life and property, and provide adequate recreation areas and basic amenities. The standards are further intended to and ensure compatibility with adjacent single-family residential development and so that the multiple family uses can serve as a transition use between a single family development and higher intensity development.

SECTION 12.01. Principal Uses Permitted

In the RM, Multiple Family Residential Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. One family dwellings constructed according to the requirements and regulations for the highest density abutting residential districts.

B. Two family dwellings developed under the requirements and regulations for the R-2 Two Family Residential Districts in Article 26.

C. Multiple family dwellings, subject to Article 26.

D. Municipal buildings and uses.

E. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

F. Family day care homes, subject to Article 26.

G. Child Foster Family Home, Child Foster Family Group Home, and Adult Foster Family Home.

H. Adult Foster Care Small Group Home.

I. Adult Foster Care Large Group Home.

J. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 12.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the

health, safety, general welfare, and comfort of the abutting property, neighborhood and Township:

A. Senior and elderly housing, subject to Article 26.

B. Places of worship.

C. Group Day Care Home, subject to Article 26.

D. Adult Foster Care Congregate Facility.

E. Lake access, subject to Article 32.

F. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.

G. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

SECTION 12.03. AREA, HEIGHT AND BULK REQUIREMENTS:

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

m:\ctc\zoning ordinance\current ordinance\article 12 - rm.doc

ARTICLE 13
B1, LOCAL BUSINESS

Preamble

The B-1, Local Business Districts are designed for the convenience shopping of persons residing in adjacent residential areas and are intended to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which, by their very nature and size, are not related to the shopping pattern of the Township-wide or regional shopping centers.

Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light and air). The standards of this district are intended to prevent congestion on public roads, reduce hazards to life and property, basic amenities, and ensure compatibility with adjacent residential uses.

The district is intended to serve as a buffer between more intensive commercial districts and abutting residential neighborhoods. This district is intended for areas not suitable for single-family residential development or desirable for high intensity commercial uses. Building sizes for permitted uses are limited to promote such appropriately scaled business development in the district.

Uses which would create hazards, loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited, unless otherwise specified. Automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation, and disrupt the functioning of this district shall be prohibited.

SECTION 13.01. Principal Uses Permitted

In the B-1 Local Business Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Convenience oriented retail and service establishments as listed below provided no individual use alone on a lot, nor uses combined as in a multi-tenant building or shopping center, shall exceed ten thousand (10,000) gross square feet in area.

1. Retail food establishments which market only convenience goods such as groceries, meats, dairy products, produce, baked goods, alcoholic beverages or similar commodities. Bakeries and delicatessens and similar take-out businesses that prepare food for retail sales are permitted (up to ten (10) percent of the floor area may be occupied by seating for consumption of food on the premises). Restaurants, bars and similar uses are hereby excluded.
2. Retail merchandise establishments marketing convenience goods only, such as drugs, hardware, flowers, stationery, dry goods, notions and variety stores.
3. Office for medical, dental and similar allied professions.

B. Banks and other similar financial institutions excluding drive-thru facilities. Automatic teller machines located outside of a building or as a freestanding use shall be adequately screened to shield neighboring residential uses from the lights and vehicle noise of patrons of the use.

C. Personal service establishments, which perform services on the premises, such as barber and beauty shops, tanning salons, dressmaker or tailor shops, self service laundries, dry cleaning establishments with the exception of dry cleaning plants, photographic reproduction, repair shops for shoes, watches, jewelry, radios, small household appliances and similar items but excluding repair shops for lawnmowers, large appliances, furniture, motor vehicles, and similar items.

D. Small animal veterinary clinics, provided all overnight patients are boarded within a wholly enclosed building. Boarding of animals not directly related to short term convalescence shall be prohibited.

E. Child care centers as provided in Article 26.

F. Municipal buildings and uses.

G. Temporary outdoor sales events as provided in Article 26.

H. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

I. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

J. Residential uses provided they are located above the first floor of a building.

SECTION 13.02. Required Conditions

All uses shall be subject to the following conditions:

A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold primarily at retail on the premises where produced.

B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building unless otherwise provided by this Ordinance.

C. Mixed use developments, containing a residential use are subject to the following requirements:

1. With the exception of legal home occupations, no office or retail shall be located on the same floor that is used for residential purposes.
2. No floor may be used in whole or part for business or office use or retail business on a floor located above a floor used for residential purposes.
3. Where there are non residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.
4. Residential uses shall be fully integrated into the overall design of the building.

SECTION 13.03. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

m:\ctc\zoning ordinance\current ordinance\article 13 - b1.doc

ARTICLE 14

B2, COMMUNITY BUSINESS

Preamble

The B-2 Community Business Districts are designed to provide for various types of office, convenience, and comparison-shopping goods to meet the day-to-day needs of Township residents for convenience and durable goods, personal services, food, entertainment, shopping and related activities.

Uses that would create hazards, loud noises, vibration, smoke, glare or heavy traffic shall be prohibited. Parking facilities in the district shall be designed to serve the area rather than individual businesses. Unless otherwise specified, automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation, and disrupt the functioning of this district shall also be prohibited.

Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light and air). The standards of this district are intended to prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with adjacent residential uses.

SECTION 14.01. Principal Uses Permitted

In the B-2 Community Business Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Any use permitted in the B-1 District subject to the regulations applicable in this Article.
B. Any retail business whose principal activity is the sale of new merchandise in any enclosed building, or as otherwise provided by this Ordinance.
C. Office, showroom, or workshop of a decorator, upholsterer, or similar service business.
D. Retail and service establishments and shopping centers exceeding ten thousand (10,000) gross square feet in floor area.
E. Restaurants or other places serving food or beverage, except those having the character of a drive-in or drive through as defined in this Ordinance.
F. Outdoor dining for restaurants with indoor seating, subject to the terms and conditions under Article 26.
G. Indoor theaters.
H. Offices as permitted in Article 21.
I. Museums and art galleries.
J. Instructional centers for music, art, dance, crafts, martial arts, and related uses.
K. Temporary outdoor sales events as provided in Article 26.
L. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

M. Outdoor display and sales of Christmas trees, subject to Article 26.
N. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 14.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and Township:

A. Bowling alley, when located at least one hundred (100') feet from any residential district.
B. Drive-in or drive-through business when developed as an accessory to a principal permitted use, subject to Article 26.
C. Private clubs, fraternal organizations and lodge halls.
D. Golf driving ranges and miniature golf courses, subject to Article 26.
E. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.
F. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.
G. Indoor Pet Service Establishments (as differentiated from kennels, which commonly have outdoor runs, are primarily operated for the sole purpose of housing healthy domestic animals overnight or for extended periods of time and are more appropriately located in industrial zoning districts, as provided for elsewhere in the Ordinance), including overnight boarding, training and grooming, provided the following conditions are met:

1. The Indoor Pet Service Establishment is ancillary in both percentage of square footage and percentage of income to the Permitted Principal Use of a retail store, which offers for sale pet products and, which derives at least 80% of its income from retail sales. The pet service establishment shall be located within the same building as the retail store and be limited to 33% of the gross floor area.
2. There is no exterior kennel space, runs, or exercise area, and the Indoor Pet Service Establishment shall not create any nuisances to neighboring properties or businesses with regard to odors, noise and pet waste. Odor and noise from the establishment shall not be discernable outside of the building. The Indoor Pet Service Establishment shall be contained and operate entirely within the enclosed building.
3. The Indoor Pet Service Establishment shall exclude exotic and domestic farm animals. The Indoor Pet Service Establishment is limited to dogs and cats which are household pets.
4. No more than one (1) dog or cat per sixty (60) square feet of building floor area. Enclosures must be appropriate to the size of the animals.
5. The length of stay of animals housed in the Indoor Pet Service Establishment shall be limited to thirty (30) consecutive days for any one stay in any sixty (60) day period.

H. Dog Daycare Centers (as differentiated from Indoor Pet Service Establishments, which are operated completely indoors and are ancillary to the principal use of a retail store for the sale of pet products, and from Kennels, which commonly have outdoor runs and are primarily operated for purposes of sheltering, boarding, impounding, keeping or breeding of animals with minimal social interaction among animals), including retail sale of dog care products, grooming, overnight boarding, and outdoor play area, provided the following conditions are met:

1. Hours of operation open to the public are limited to twelve (12) hours per day and shall not extend later than 7 p.m.
2. There shall not be individual, outdoor dog runs.
3. The number of dogs cared for at any one time shall not exceed one (1) dog per seventy (70) square feet of gross floor area, indoor and outdoor enclosed area, which is subject to discretionary review by the Planning Commission.
4. Revenues for overnight boarding of dogs may not comprise more than fifty percent (50%) of the total revenue of the dog daycare center. The length of stay for boarded animals shall be limited to seven (7) consecutive days, and no outdoor boarding shall be permitted.
5. Adequate sound-attenuating and odor control measures shall be implemented so that noise or odor from inside the building will not be discernible outside the building.
6. Any outdoor play area shall be set back a minimum of 150 feet from the nearest residential dwelling.
7. The outdoor play area for the dogs shall be surrounded with a masonry wall or other material that is aesthetically compatible in terms of material, color and finish with the principal and surrounding buildings. Said wall shall be at least seven (7) feet in height and maintained in good condition at all times. Failure to maintain the fence in its original condition shall be considered a violation of the site plan approval.
8. Any outdoor play area is for periodic use only, and dogs shall not be allowed to access the outdoor play area on their own. Not more than twenty (20) dogs shall be permitted in the outdoor play area at any one time. While in the outdoor play area, dogs shall be escorted and supervised by a dog handler who will be responsible for preventing or quickly suppressing any dog behavior that may adversely impact surrounding uses, including loud or excessive barking.
9. The outdoor play area must have special canine grass designed for the purpose of covering outdoor areas for dogs, with an appropriate drainage system to control surface run-off. The outdoor play area must be maintained in a clean, sanitary manner, and adequate odor control measures shall be implemented so that odor will not be discernible beyond the property line. Solid dog waste in the outdoor play area must be promptly picked up.
10. Any dog and food waste shall be properly and lawfully disposed of to not create a litter, insect, rodent, vermin or offensive odor nuisance.
11. Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan, and written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or American Kennel

Club (AKC). These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.

I. Smoke shops, subject to Article 26.

SECTION 14.03. Required Conditions

All uses shall be subject to the following conditions:

A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold primarily at retail on the premises where produced.

B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building unless otherwise provided by this Ordinance.

SECTION 14.04. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

ARTICLE 15

B3, GENERAL BUSINESS

Preamble

The B-3, General Business Districts are designed to provide for various types of office, convenience, and comparison-shopping goods to meet the needs of a larger consumer population than served by the B-1, Local Business Districts and the B-2, Community Business Districts for convenience and durable goods, personal services, food, entertainment, shopping and related activities.

This district is further intended to provide opportunities for automobile-related businesses that generate large traffic volumes or require substantial off-street parking, and, as a result, may not be pedestrian-oriented in character. The B-3 district should be generally located near major roads and thoroughfares to prevent potential nuisances and use conflicts.

Because of the types of uses permitted in the General Business District, detailed attention shall be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Development in the district shall be compatible in design with the overall Township character, designed in coordination with adjoining sites, and buffered from or located away from residential areas.

Uses that would create hazards, loud noises, vibration, smoke, glare or heavy traffic shall be prohibited. Where feasible, parking facilities shall be designed to serve multiple businesses rather than individual businesses.

Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light and air). The standards of this district are intended to prevent congestion on public roads, reduce hazards to life and property, provide basic amenities, and ensure compatibility with adjacent land uses.

SECTION 15.01. Principal Uses Permitted

In the B-3, Community Business Districts no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Any Principal Permitted Use permitted in the B-2 District subject to the regulations applicable to this Article.
B. Bus passenger stations.
C. Outdoor sales events as provided in Article 26.
D. Car wash establishments, subject to Article 26.

E. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

F. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 15.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and Township:

A. Open air business uses including the retail sales of plant material not grown on site and sales of lawn furniture, playground equipment, and other garden supplies, subject to Article 26.

B. Bowling alleys, when located no closer than one hundred (100') feet from any residential district.

C. Automobile showrooms and outdoor sales and display space for the exclusive sale of new and used motor vehicles, travel trailers, recreational vehicles, boats and mobile houses, subject to Article 26.

D. Drive-in and drive-through businesses, subject to Article 26.

E. Automotive service centers, or tire, battery, and accessory centers, only when planned as an integral part of a larger planned shopping center, and located at least two hundred (200') feet from the intersection (right-of-way lines) of any two (2) roads as measured along each property line, subject to Article 26.

F. Small equipment rental facilities. Rental items shall not include large earth moving and/or construction equipment and similar items.

G. Funeral homes, subject to the Article 26.

H. Outdoor recreational space for adult or children's amusement parks, carnivals, rebound tumbling facilities, miniature golf courses and golf driving ranges, subject to Article 26.

I. Retail sales and dispensing of automotive fuels, lubricants and minor accessories only, subject to Article 26.

J. Veterinary hospitals and clinics.

K. Dog Daycare Centers (as differentiated from Indoor Pet Service Establishments, which are operated completely indoors and are ancillary to the principal use of a retail store for the sale of pet products, and from Kennels, which commonly have outdoor runs and are primarily operated for purposes of sheltering, boarding, impounding, keeping or breeding of animals with minimal social interaction among animals), including retail sale of dog care products, grooming, overnight boarding, and outdoor play area, provided the following conditions are met:

1. Hours of operation open to the public are limited to twelve (12) hours per day and shall not extend later than 7 p.m.
2. There shall not be individual, outdoor dog runs.

3. The number of dogs cared for at any one time shall not exceed one (1) dog per seventy (70) square feet of gross floor area, indoor and outdoor enclosed area, which is subject to discretionary review by the Planning Commission.
4. Revenues for overnight boarding of dogs may not comprise more than fifty percent (50%) of the total revenue of the dog daycare center. The length of stay for boarded animals shall be limited to seven (7) consecutive days, and no outdoor boarding shall be permitted.
5. Adequate sound-attenuating and odor control measures shall be implemented so that noise or odor from inside the building will not be discernible outside the building.
6. Any outdoor play area shall be set back a minimum of 150 feet from the nearest residential dwelling.
7. The outdoor play area for the dogs shall be surrounded with a masonry wall or other material that is aesthetically compatible in terms of material, color and finish with the principal and surrounding buildings. Said wall shall be at least seven (7) feet in height and maintained in good condition at all times. Failure to maintain the fence in its original condition shall be considered a violation of the site plan approval.
8. Any outdoor play area is for periodic use only, and dogs shall not be allowed to access the outdoor play area on their own. Not more than twenty (20) dogs shall be permitted in the outdoor play area at any one time. While in the outdoor play area, dogs shall be escorted and supervised by a dog handler who will be responsible for preventing or quickly suppressing any dog behavior that may adversely impact surrounding uses, including loud or excessive barking.
9. The outdoor play area must have special canine grass designed for the purpose of covering outdoor areas for dogs, with an appropriate drainage system to control surface run-off. The outdoor play area must be maintained in a clean, sanitary manner, and adequate odor control measures shall be implemented so that odor will not be discernible beyond the property line. Solid dog waste in the outdoor play area must be promptly picked up.
10. Any dog and food waste shall be properly and lawfully disposed of to not create a litter, insect, rodent, vermin or offensive odor nuisance.
11. Applicants shall submit, at the time of special land use application, a proposed site plan and floor plan, and written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or American Kennel Club (AKC). These procedures shall be followed for the duration of the business and shall be designed to prevent or control animal behavior that may adversely impact surrounding uses, including loud or excessive barking.

L. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.

M. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

N. Smoke shops, subject to Article 26.

SECTION 15.03. Required Conditions

All uses shall be subject to the following conditions:

A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold primarily at retail on the premises where produced.

B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building unless otherwise provided by this Ordinance.

SECTION 15.04. Area, Height and Bulk Requirements

See Article 6, Table of Dimensional Standards by District, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

ARTICLE 16

ULR, UNION LAKE ROAD OVERLAY DISTRICT

SECTION 16.01. Statement of Purpose

The intent of the Union Lake Road Overlay District is to encourage the development of a thriving mixed use area, consisting of primarily retail, office and residential uses. It is intended that the Union Lake Road Overlay District develop in accordance with a small town theme, with emphasis on preservation and enhancement of landscaping and natural areas. It is further intended that the corridor not develop into an intensive commercial strip. Pursuant to these purposes, regulations set forth herein dealing with area and bulk, parking, signage, screening, and landscaping are intended to further the small town theme.

SECTION 16.02. Applicability of Overlay Zoning Concept

The Union Lake Road Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district shown on the Zoning Map. In an area where an overlay zone is established, the property is placed simultaneously in the two zones, and the property owner may elect to develop his/her property under the underlying zoning or under the applicable conditions and requirements of the Union Lake Road Overlay District.

If a property owner elects to comply with the Union Lake Road Overlay District, then existing uses maintain conformity with underlying zoning standards, but any expansion, redevelopment, or new development shall conform to the Union Lake Road Overlay District standards. In the event there is a conflict between the requirements of the two zones, the requirements of the Union Lake Road Overlay District shall govern.

SECTION 16.03. Creation of Union Lake Road Overlay District Boundaries

The Union Lake Road Overlay District boundaries shall be as established on the Official Zoning Map. Union Lake Road Overlay District boundaries may be established or amended according to the Zoning Ordinance amendment procedures in Article 3.

SECTION 16.04. Permitted Uses and Structures

A. Principal Uses and Structures

In the ULR, Union Lake Road Overlay District, no building or land shall be used and no building shall be erected except for one or more of the uses specified in the underlying zoning district, unless otherwise provided for in this Ordinance.

B. Special Land Uses Permitted

The special land uses listed in the underlying zoning districts may be permitted by the Planning Commission, under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and Township. Further, for property owners that elect to comply with the ULR, Union Lake Road Overlay District, the following additional uses may be permitted as special land uses within the particular underlying zoning district:

1. Within the B-1, Local Business District:

    a. Retail and service establishments and shopping centers exceeding ten thousand (10,000) square feet in gross floor area.

    b. Restaurants, or other places serving food or beverage, except those having the character of a drive-in or drive through as defined in this Ordinance.

    c. Outdoor dining for restaurants with indoor seating, subject to the terms and conditions under Article 26.

    d. Farmers' market.

    e. Mixed use, consisting of first floor commercial and upper floors residential.

2. Within the B-2, Community Business District:

    a. Banks, credit unions and similar financial institutions excluding drive in facilities. Automatic teller machines shall also be permitted outside of a building or as a freestanding use provided adequate screening is provided to shield neighboring residential uses from the lights and vehicle noise of patrons of the use.

    b. Farmers' market.

    c. Mixed use, consisting of first floor commercial and upper floors residential.

    d. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, insurance, and real estate sales, subject to the following limitations:

        1. The outdoor storage of goods or materials shall be prohibited, whether or not they are for sale.

2. Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited.
3. Illumination of the business, and all vehicular and loading traffic, shall be controlled or channeled so as to not allow glare into any adjacent residential district.

3. Within the B-3, General Business District:

   a. Indoor commercial recreation facilities, such as health clubs, hardball and racquetball court facilities, pool and billiard establishments, tennis, archery and similar facilities, but not including inflatable buildings.

   b. Retail sales in which both a workshop and retail outlet or showroom are required, such as, but not limited to establishments for plumbers, electricians, interior decorators, upholsterers, printers, and photographers, subject to the following provisions:

      1. Not more than eighty percent (80%) of the total useable floor area shall be used for service, repair or processing functions, and
      2. Retail or showroom functions shall be located in the portion of the building where the customer entrance is located.

   c. Farmers' market.

   d. Mixed use, consisting of first floor commercial and upper floors residential.

4. Within the O, Office District:

   a. Retail establishments whose principal activity is the sale of merchandise in an enclosed building, including sales of groceries, meats, dairy products, baked goods or other foods; drugs; dry goods and notions; or hardware.

   b. Clubs, fraternal organizations, and lodge halls.

   c. Newspaper distribution offices.

   d. Office, showroom, or workshop of a decorator, upholsterer, or similar service business.

   e. Museums and art galleries.

   f. Instructional centers for music, art, dance, crafts, martial arts, and related uses.

   g. Business schools and training facilities.

h. Mixed use, consisting of first floor office and upper floors residential.

SECTION 16.05. Development Standards

Buildings and uses in the Union Lake Road Overlay District, except for residential dwellings, shall comply with the following requirements.

A. Building Entrances

The first floor main entrance of the structure shall be oriented toward the road on which the structure fronts. If the site is on a corner, the structure may have its first floor main entrance oriented to either road. A second public entrance may open directly onto a parking lot. No overhead doors are permitted facing a road. In larger developments a mid-block passageway may be required to provide access from parking areas to main entrances, depending on the location of parking facilities relative to building entrances.

B. Façade Design

All building facades that face a road shall conform to the following design criteria:

1. Windows. All commercial building facades that are visible from the road shall have windows with transparent, non-reflective glass, with the following requirements:

   a. First floor: minimum 30% of facade.

   b. Second floor and above: minimum 20% of facade.

   Windows on first floor shall be a minimum of two (2) feet above finished floor level.

2. Exterior Building Materials. Traditional building materials, such as masonry, stone, brick, or wood, shall be used as the predominant exterior building materials for all new construction, renovations, and additions. Plain concrete block, plain concrete, corrugated metal, plywood, vinyl siding and sheet pressboard may only be used as secondary exterior finish materials, provided they cover no more than ten percent (10%) of the surface area (may exceed 10% with approval of Planning Commission where material is scored or otherwise architecturally treated to give the appearance of texture rather than a flat, monotonous façade). Foundation material may be plain concrete when the foundation material does not extend above grade. At the building's interface with a sidewalk, cast concrete or another product that is not subject to spalling shall be used. Cement-based finishes, cement plaster, and Exterior Insulation Finish System (E.I.F.S.) are permitted only if used a minimum of ten (10) feet above grade, where such finishes will be less susceptible to damage. The Planning Commission may approve alternative exterior manufactured exterior materials if there is a compelling structural reason,

upon finding that such materials replicate authentic traditional building materials in terms of appearance and durability.

3. Architectural Guidelines. Traditional architecture is favored in the Union Lake Road Overlay District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Traditional architectural design is intended to convey an image of durability, permanence, craftsmanship, and visual character consistent with Township planning standards. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance. Inflatable buildings shall be prohibited.

4. Utilities. Utility meters, conduits, etc., shall be screened, constructed in a building recess, or otherwise hidden so they are not visible from any public road.

5. Fire Escapes. Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

C. Side or Rear Facade Design

The side or rear facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features similar to those present on the front of the building shall be used on the side and rear facades.

2. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs, and trees, provided that sufficient light penetrates into the space.

D. Awnings

Awnings shall be permitted on buildings subject to the following criteria:

1. Construction. All awnings must be made from canvas fabric or similar waterproof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.
2. Attachment to Building. All awnings shall be attached directly to the building, rather than supported by columns or poles.

3. Design. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Round-top, half-round, box, or other unusual awning shapes are discouraged. Internally backlit awnings

are prohibited. There shall be a minimum of clearance of eight (8) feet between the sidewalk and the lowest part of the awning.

4. Maintenance. Awnings shall be maintained on a regular basis. Fabric awnings shall be replaced when torn, or when the Planning Director determines that they are excessively faded or soiled. At the time of approval, the applicant shall provide the Township with a fabric swatch to be kept on file. The Planning Director shall evaluate the condition of awnings by comparing the swatch to the awning fabric. A loss of 20% of color intensity, as judged by the Planning Director, shall be sufficient to necessitate replacement.

E. Lighting

1. General Requirements. Exterior lighting shall comply with the requirements in Article 31. Lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited.
2. Appropriate Lighting Levels. Sidewalks and parking areas shall be properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0-foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0-foot candles, measured five (5) feet above the surface. The maximum average light intensity shall be ten (10) foot candles.

3. Traditional or Decorative Fixtures. The Planning Commission may waive or modify the cut-off, orientation, and shielding requirements for traditional-style or decorative lighting fixtures, upon making the determination that the fixtures will comply with the illumination levels specified herein, will not cause glare or interfere with the vision of motorists, and will be consistent with the spirit and intent of this Ordinance.

F. Parking and Circulation

Parking and parking lot design shall comply with the following standards, in addition to the provisions of Article 28.

1. Front Yard Parking. No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning Commission determines that parking in front of the building would be acceptable for either of the following reasons:

    a. Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site, or

b. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

If the Planning Commission determines that parking in front is permissible, then a maximum of one (1) or two (2) bays of parking with a drive aisle may be allowed. The property owner shall provide cross access easements to allow access to and from adjoining properties. Access to the public road shall be from clearly defined and curbed driveways.

No parking shall be located in the existing or proposed road right-of-way as established by the Road Commission for Oakland County.

2. Rear or Side Yard Parking. Unless the Planning Commission determines that parking in front is permissible, new or expanded parking lots on the interior of the lots shall be located to the rear or side of the buildings, accessed by means of shared driveways, preferably from side roads or lanes (provided that turning movements are controlled to limit cut-through traffic in residential neighborhoods). Where possible, parking lots shall be small in scale, and shall connect with parking lots on adjacent properties.

3. Cross-Access and Shared Parking. Cross-access easements and a shared maintenance agreement are required for adjacent lots with connected parking lots. Easements and a 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. The cross-access easement shall be recorded and the cross-access shared driveway shall be installed at the same time that the parking lot on the same lot is constructed.

Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities, provided that the spaces are located within 500 feet of a primary building entrance for the use to which such spaces are accessory.

Off-street parking shall be set back a minimum of ten (10) feet from the front lot line. Off-street parking shall be set back a minimum of ten (10) feet from any single family residentially zoned parcel.

4. Access Drives. All off-street parking shall be accessed from clearly defined driveways or shared driveways measuring not less than sixteen (16) feet in width for a one-way driveway and twenty-five (25) feet in width for a two-way drive. Construction of the driveways or shared driveways within the road right-of-way shall be under permit from the Road Commission for Oakland County.

5. Maximum Number of Spaces. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article 28. Accordingly, the maximum number of parking spaces that may be provided is 120% of the minimum parking requirement.

6. Pedestrian Circulation. The parking lot layout shall accommodate pedestrian circulation from the edge of the parking lot to the entrance of the building. Pedestrian crosswalks shall be provided, shall be distinguished by textured paving or pavement striping, and shall be integrated into the sidewalk network.

7. Screening. Surface parking lots shall be screened from the road and from adjacent residentially-used or zoned land in accordance with Article 16.

8. Collective Provision of Off-Street Parking. Off-street parking for separate buildings or uses may be provided collectively subject to the following conditions:

   a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use; however, the Planning Commission may reduce the total number of required spaces upon making the determination that the parking demands of the uses being served do not overlap.

   b. Each use served by collective off-street parking shall have direct access to the parking without crossing roads.

   c. Easements and a maintenance agreement are required. Easements and a 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.

9. Bicycle Rack. A bicycle rack to accommodate bicycle parking shall be provided on each site.

G. Building Setbacks

1. The minimum setbacks shall be as follows:

   a. Front: 70 ft. – measured from the centerline of Union Lake Road

   b. Side: 10 ft.

   c. Rear: 20 ft (may be reduced to 10 feet if subject parcel is not adjacent to a residential zoning district).

2. However, no side yard is required unless:

   a. Walls facing interior side lot lines contain windows or other openings, other than those required by the building code or for emergency ingress and egress, in which case the minimum side setback shall be 10 feet.

   b. A ULR district abuts a residential zoning district, in which case the minimum side yard requirement shall be thirty (30) feet.

   c. The exterior side of a building is on a corner lot or the exterior side of a parcel is located on the exterior of the District, then the minimum side yard setback shall be ten (10) feet. .

H. Building Height

1. The maximum height shall be three (3) stories or forty-two (42) feet in height.

I. Landscaping

1. Compliance with Article 29. Each site shall comply with the landscape requirements in Article 29. However, in consideration of the overall design and impact of a specific landscape plan, and in consideration of the setting in which Union Lake Road Overlay District sites are developed, the Planning Commission may modify the specific landscaping requirements, provided that any such adjustment is in keeping with the intent of this Article and the Ordinance in general.

2. Building Foundation Plantings. Structures shall be provided with landscaping along the portion of their foundations that is visible from a public thoroughfare. The landscaped area must be at least three (3) feet in depth and must be planted with at least one shrub per three (3) lineal feet of foundation. For each one hundred (100) square feet of hard-surfaced area between the building and the road lot line at least ten percent (10%) shall be set aside for landscaping within one (1) or more landscape planters.

3. Street Trees. A minimum of one (1) deciduous canopy tree shall be planted for each forty (40) feet of road frontage.

4. Parking Lot Landscaping. A parking lot landscape buffer is required when a parking lot is located within fifty (50) feet of a street or adjacent to a residentially used or zoned lot. The landscape buffer shall consist of:

   a. **Front Yard Parking.**

      i. A minimum 10-foot wide buffer between the parking lot and the road setback line.

ii. A decorative masonry wall or decorative wrought-iron appearing fence with a height between 2.5 and 3.0 feet. If a fence is proposed, decorative masonry pillars (or substitute material) are recommended to connect fence panels with a minimum of one pillar being provided every 24-25 feet, as approved by the Planning Commission.

iii. A minimum 4-foot wide planting strip, planted within the 10-foot wide buffer, which shall include evergreen shrubs planted to form a continuous hedge with a height between 2-3 feet at maturity in between the fence and the road right-of-way or road easement (see figure 16.1).

b. **Side Yard Parking Facing a Road.**

i. A minimum 10-foot wide buffer between the parking lot and the road setback line.

ii. A decorative masonry wall or decorative wrought-iron appearing fence with a height between 3 and 3.5 feet. If a fence is proposed, decorative masonry pillars (or substitute material) are recommended to connect fence panels with a minimum of one pillar being provided every 24-25 feet, as approved by the Planning Commission.

iii. A minimum 4-foot wide planting strip, planted within the 10-foot wide buffer, which shall include evergreens planted to form a continuous hedge with a height between 2-3 feet at maturity in between the fence and the road right-of-way or road easement (see figure 16.1).

c. **Parking in the Side or Rear Yard Adjacent to Residential Parcel.**

i. A minimum 10-foot wide buffer between the parking lot and the property line.

ii. A minimum 4-foot wide planting strip, planted within the 10-foot wide buffer, which shall include evergreens planted to form a continuous hedge with a height between 10-12 feet at maturity in between the fence and the road right-of-way or road easement (see figure 16.1).

5. Detention Pond Landscaping. All detention ponds or similar stormwater management facilities (including bioswales, rain gardens, and similar facilities) shall be designed to have a natural appearance incorporating natural looking grading contours and native plant materials whenever possible. Detention pond landscaping shall comply with the following requirements:

a. Clusters of large 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.

b. 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.

c. One canopy deciduous tree (e.g., oak, maple, etc.) shall be planted for every fifty (50) linear feet measured along the freeboard elevation of the pond.

d. Detention ponds shall be planted with native grasses having a minimum height of 24 inches or detention pond seed mix to discourage use by waterfowl 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.

e. Anti-waterfowl devices such as string matrix or string edge are recommended while establishing plantings, provided that such devises are removed immediately when they become unsightly or no longer necessary.

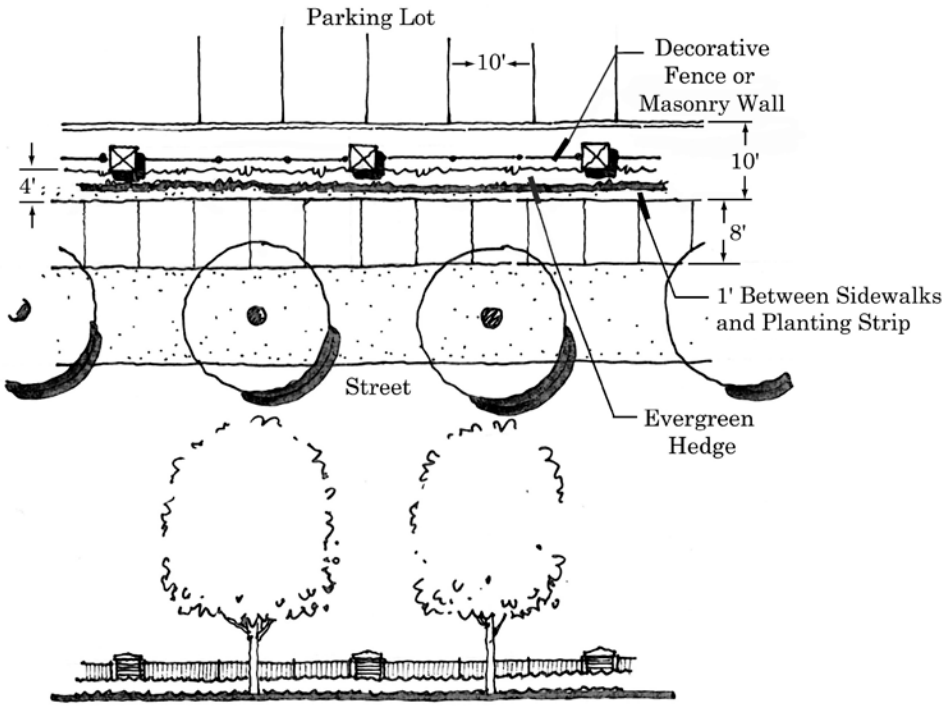


Figure 16.1 – Interior Parking Lot Buffer

J. Sidewalks

1. Sidewalk Width and Location. Sidewalks shall be provided in accordance with the Commerce Charter Township Code.

2. Driveway Crossings. When a sidewalk crosses a driveway or shared driveway, the driveway or shared driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway or shared driveway to indicate that pedestrians have the right-of-way.

K. Signs

1. No sign may be installed or erected in the Union Lake Road Overlay District unless a sign permit application is first approved by the Building Department.

2. When new site development is proposed, sign locations shall be shown on building elevations and site plans submitted for site plan approval and shall be reviewed and approved by the Planning Commission. Signs proposed for an existing site developed under the standards of this Section shall require only a sign permit from the Building Department.

3. A sign plan shall be required for all multi-tenant buildings, which shall include, at minimum, colors, dimensions, lighting, and location for all proposed and future signage.

4. Signs shall comply with the standards in Article 30.

L. Service Access

1. A service area or designated loading space shall be reserved at the rear or side of the building, as appropriate.

M. Mechanical Equipment

1. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.

N. Access Management.

Access is a means to provide vehicular entrance to or exit from a parcel. *Access Management* means controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road. Access management is necessary to preserve the capacity of primary roads, encourage efficient flow of traffic by minimizing the disruption and conflicts

between through traffic and turning movements, and to improve safety and reduce the potential for crashes.

The road system in the Union Lake Road Overlay District consists of one arterial road, Union Lake Road, and the collector and local roads that collect traffic from lots or parcels and distribute it to the arterial road. Collector roads are roads that provide access to abutting properties and which connect development roads, other collector roads, and local roads to the primary roads.

The following access management provisions shall apply to arterial roads:

1. The number of access points shall be the fewest needed to allow motorists reasonable access to the site.

2. Provision shall be made to share access with adjacent uses. Shared access easements and maintenance agreements are required. Easements and a 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.

3. Where a lot or parcel fronts on an arterial and collector road, access shall be via the collector road, unless there is no other practical alternative.

4. Driveways and shared driveways shall be separated from other driveways and shared driveways along the same side of an arterial road by the distances specified in Table 16.1 (measured from centerline to centerline) based on the posted speed limit.

Table 16.1: Minimum Spacing between Driveways

Located on the Same Side of a Primary Road

Posted Speed (mph)	Driveway Spacing (in feet)
25	130
30	185
35	245
40	300
45	350
50+	455

5. Driveways shall either be aligned directly across from driveways on the opposite side of the road or offset by the distance indicated in Table 16.2, measured centerline to centerline. The Planning Commission may reduce the offset to not less than 150 feet where the offsets are aligned to not create left-turn conflicts.

Table 16.2: Minimum Spacing between Driveways

On Opposite Sides of a Primary Road

Posted Speed (mph)	Driveway Spacing (in feet)
25	255
30	325
35	425
40	525
45	630
50+	750

O. Single Family Development Standards

1. Single family developments in the ULR District shall comply with the applicable standards in the underlying R-1C or R-1D Zoning District, as applicable.

SECTION 16.06. Area, Height, Bulk, and Placement Requirements

The following chart summarizes the regulations in Article 16 for commercial and office uses, but the user is cautioned to refer to Article 16 for more detailed information and explanatory notes.

Minimum Lot Area	Based on the underlying zoning
Minimum Lot Width	Based on the underlying zoning
Maximum Height	3 stories, 42 feet
Setbacks	
Front	70 feet – measured from the road centerline
Side	10 feet – See footnote *(a)*
Rear	20 feet -See footnote *(b)*

Table Notes

(a) No side yard is required unless:

1. Walls facing interior side lot lines contain windows or other openings, other than those required by the building code or for emergency ingress and egress, in which case the minimum side setback shall be 10 feet.

2. A ULR district abuts a residential zoning district, in which case the minimum side yard requirement shall be thirty (30) feet.

3. The exterior side of a building is on a corner lot or the exterior side of parcel is on the exterior of the District, then the minimum side yard setback shall be ten (10) feet.

(b) The rear yard setback may be reduced to 10 feet where the subject property is not adjacent to a residential zoning district.

SECTION 16.07. Site Plan Review

In accordance with Article 35, site plan review and approval is required for all uses except single family residential detached uses.

m:\ctc\zoning ordinance\current ordinance\article 16 - union lake.doc

ARTICLE 17
MHP, MOBILE HOME PARK DISTRICT

(Approved by the Michigan Mobile Home Commission on January 9, 1985)

The MHP Mobile Home Park District is established primarily to provide for higher density detached single family residential housing in an otherwise lower density residential Township. Because mobile home parks are much higher in density than an otherwise typical single family subdivision, and because they are developed with private road systems, thereby creating an interruption in the community of the local public road system, they are otherwise not directly compatible with lower density single family subdivisions. In this Ordinance, mobile home parks are located in areas where they are compatible with single family subdivisions, and they are distributed throughout Commerce Township at planned locations as indicated in the adopted Master Land Use Plan. The maximum density in the MHP District shall not exceed 6.7 units per acre.

SECTION 17.01. Principal Uses Permitted

In the MHP Mobile Home Park Districts no building or land shall be used, and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Mobile homes.

B. Public, parochial, and private schools, public community buildings, Township facilities, and Township parks and playgrounds.

C. Accessory buildings and accessory uses customarily incidental to the above principal permitted uses.

D. Uses similar to the above principal permitted uses.

SECTION 17.02. General Provisions

A. Site Development Standards – General

1. No mobile home park shall be constructed within the limits of Commerce Township unless the owner and/or operator holds a valid construction permit issued by the Michigan Department of Health in accordance with the provisions of Public Act 96 of 1987, as amended, and a copy of said permit is given to the Township.
2. A permit and Certificate of Occupancy shall be obtained from the Building Department for each mobile home connection to any Township water, sanitary sewer, and electrical system, and for the placement of the home. Skirting shall be installed within thirty (30) days after the Certificate of Occupancy is issued, winter weather permitting.
3. A permit shall be obtained from the Building Department for construction of a canopy, awning, sunroom, carport, or other accessory or year-round enclosure detached or attached to a mobile home.

4. Fees for the above mentioned permits shall be set by the Township Fee Ordinance.

5. Each road access point to a mobile home park from a County or State highway shall have prior written approval of the Highway Authority having jurisdiction within the Township.

6. It shall be the duty of the Building Inspector or deputies of his/her department to personally inspect all of the development, construction, or installation of the facilities in the mobile home park for which a State permit has been issued. The Township Building Inspector or deputies of his/her department are hereby granted the power and authority to enter upon the premises of any mobile home park at any reasonable time for the purposes herein set forth and for the purpose of enforcing any provisions of this Ordinance.

7. It shall be the duty of the owner and operator of each mobile home park to enforce the following regulations:

   a. The keeping of all domestic pets shall be in compliance with Commerce Charter Township Code.

   b. The operation, maintenance and supervision of the mobile home park shall be by a responsible person who shall be available at all times in case of emergencies.

   c. It shall be the duty of each mobile home park owner and operator to report to the Oakland County Health Inspector and Township Supervisor, the existence of any known unsanitary conditions prevailing within the boundaries of the mobile home park.

   d. It shall be the further duty of the mobile park owner or operator, in order to safeguard against the hazards of fire, to prohibit the parking of any mobile home or trailer, not possessing two (2) exits, within any mobile home park. One such exit may be of the emergency type, provided that it is capable of being easily operated by small children, and provided approval has been granted by the Township or State Fire Marshall.

8. School officials of the affected districts shall be notified of the proposed development.

9. Signs shall conform to the requirements of Article 30.

B. Site Development Standards - Lot and Stand Conditions

1. The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one site may be reduced by twenty (20%) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under Public Act 96 of 1987, as amended.

2. Canopies and awnings may be attached to any mobile home, and said accessory structures shall conform to all area, height and placement regulations applicable to the mobile home itself, except the canopy or awning may occupy a portion of the side yard provided it is located no closer than ten (10') feet to another mobile home.

3. Canopies and awnings may be enclosed with screens for summer recreation or sunroom purposes, or they may be enclosed with glass for climatic reasons, but no enclosure shall be used for permanent living purposes.

4. If any permanent living area is added to a mobile home such additions shall conform in every way to the placement regulations of the principal structure.

5. Mobile homes shall be skirted and must meet the standards of Public Act 96 of 1987, as amended.

6. There shall be no storage underneath any mobile home of any item except for the hitch, and wheels and tires of that mobile home, and each mobile home lot shall be maintained in a manner in which it was originally constructed.

7. For irregular shaped mobile home lots, the access point to the lot must be of sufficient width to accommodate the required on-site parking, and must be at least twenty (20’) feet in width.

8. No mobile home shall be located closer than fifty (50') feet to the right-of-way of a public thoroughfare, nor closer than eighty (80') feet to a railroad right-of-way, nor closer than ten (10') feet to any dedicated easement or road right-of-way within a mobile home park.

9. The mobile home foundation shall be of concrete piers, slabs or runners to be designed and constructed in conformance with the standards established in Public Act 96 of 1987, as amended.

10. All mobile homes shall be anchored with only those systems which are approved by Public Act 96 of 1987, as amended.

11. If provided, patios and bases of storage sheds shall be constructed of four (4) inch thick concrete.

C. Site Development Standards - Accessory Structures and Enclosures

1. No personal property shall be stored under any mobile home. Storage sheds may be utilized for storage of personal property, but need not be supplied by the owner of the mobile home development.

D. Site Development Standards - Roads, Parking and Walks

1. Roads shall be provided on the site where necessary to furnish principal traffic ways for convenient access to the mobile home site, and other important facilities on the property. The road system shall provide convenient circulation by means of minor roads and properly located collector and arterial roads. Closed ends of dead end roads shall be provided with a turn-around capability for emergency and snow removal vehicles.

2. The roads shall be of adequate widths to accommodate the contemplated traffic load, but shall not be less than twenty-one (21) feet in width.

3. Curbing shall be required, provided however, the Planning Commission may approve plans without curbs where such plans show other adequate means for the control of surface drainage, protection of the edges of the pavement and protection to the roadway shoulder, and for the prevention of erosion along the shoulder and berm of the roadway.

4. All roads and parking areas shall be constructed of concrete, blacktop, or other similar hard surface material in conformance with standards set forth in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual and consistent with the Commerce Charter Township Code to the extent permitted by law.

5. Hard-surfaced, off-street parking spaces shall be provided on each home site in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided as required by Public Act 96 of 1987, as amended.

6. For the protection of the park residents and the easy passage of fire apparatus there shall be no parking on any road in the Mobile Home Park unless they meet the standards established by the American Association of State Highway and Transportation Officials Manual consistent with the Commerce Charter Township Code to the extent permitted by law.

7. The mobile home park primary walk system, if provided, including walks along main drives and secondary roads shall meet the requirements of Public Act 96 of 1987, as amended.

8. The storage or parking of recreational vehicles, motor homes, boats, snowmobiles, or other vehicles or items ordinarily towed, driven or used for a special purpose, if storage or parking of such is permitted in the mobile home park, shall be in accordance herewith. The storage of the vehicles or items in the mobile home development is specifically prohibited except in the storage area. The storage area shall be screened by solid-type fence five (5) feet in height around its perimeter or by some other similar screening device.

E. Site Development Standards - Utilities & Trash Disposal

1. Fire hydrants of a size and with a pressure approved by the Charter Township of Commerce Fire Department shall be placed along each road within the Mobile Home Park within ten (10') feet of a roadway and at intervals not exceeding five hundred (500') feet so that no mobile home shall be more than two hundred and fifty (250') feet from a hydrant as a hose would be laid out.

2. Running water from a public or a State-tested and approved water supply shall be piped to each mobile home and shall be adequately protected from frost.

3. Plumbing fixtures shall be connected into a public sanitary sewer or Township approved facilities.

4. All electrical lines from supply poles and leading to each mobile home stand shall be underground and shall conform to Public Act 96 of 1987, as amended.

5. Street lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be in conformance with Public Act 96 of 1987, as amended.

6. Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor a menace to health and shall be approved by the State Health Department and the Charter Township of Commerce. Mobile home parks shall provide for removal of rubbish as required in Public Act 96 of 1987, as amended.

F. Site Development Standards - Recreation and Open Space

1. The front yard and the side yard adjacent to a public thoroughfare shall be landscaped and the entire mobile home park shall be maintained in a clean, presentable condition at all times

2. The mobile home park site shall provide, within the mobile home park site, a masonry wall four feet six inches (4' -6") in height abutting single family residential properties and public right-of-way, or a greenbelt in compliance with the following:

   a. Quality: Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in Oakland County, and shall conform to standards of the American Association of Nurserymen, and shall have passed any inspections required under State Regulations.

      No plant materials used to satisfy some or all planting requirements of the Ordinance shall be comprised of nonliving materials, such as petrochemical plants. No polyethylene film shall be used under non-living, decorative landscape materials such as stone, wood chips and gravel in a manner which will cause erosion of the decorative materials.

   b. Deciduous trees shall be species having an average mature crown spread of greater than fifteen (15') feet in Oakland County, and having a trunk which can be maintained with over five (5') feet of clear stem, except if conditions of visibility require at intersections where the requirement of eight (8') feet of clear stem shall be followed. Trees having an average mature crown spread of less than fifteen (15') feet may be substituted by grouping the same so as to create the equivalent of a fifteen (15') foot down spread. Deciduous tree species shall be a minimum of ten (10') feet in overall height, and a minimum caliper of two (2") inches, and burlapped ball size of at least ten (10) times the caliper at the time of planting.

   c. Evergreen trees shall be a minimum of five (5’) feet in height, with a minimum spread of three (3’) feet, and burlapped ball size of at least ten (10) times the caliper at the time of planting.

   d. Shrubs and Hedges. Shrubs shall be a minimum of two (2') feet in height when measured immediately after planting, or two (2') feet in spread if plants are low growing evergreens. Hedges, where provided, shall be

planted and maintained so as to form a continuous, unbroken, visual screen within a maximum of two (2) years after time of planting.

e. Vines shall be a minimum of thirty (30") inches in length after one (1) growing season, and may be used in conjunction with fences, screens, or walls to meet physical buffer requirements so specified.

f. Ground cover used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season with at least three (3) plants per square foot.

g. Grass areas shall be planted in species normally grown as permanent lawns in Oakland County. Grass may be plugged, sprigged, seeded or sodded except that rolled sod, an erosion reducing net, or suitable mulch, shall be used in swales or other areas subject to erosion. Grass, sod, and seed shall be clean and free of weed and noxious pests or diseases. Dense weed-free turf with good color, complete ground coverage, and actively growing shall be provided.

G. Landscape Elements

1. Earth Mounds and Berms. Berms and mounds shall be constructed with slopes no greater than one (1') foot vertical for each three (3') feet horizontal with a two (2') foot flat on top, and with adequate protection to prevent erosion.

2. Mulches. Mulching material for planted trees, shrubs, and vines shall be a minimum of three (3) inch deep wood chip mulch. Straw or other mulch shall he used to protect seeded areas.

3. Open space shall be in conformance with Public Act 96 of 1987, as amended.

4. Mobile home lot line fences, when provided, shall be "uniform" in height, and thirty-six (36) inches in height, and shall be constructed in such a manner as to provide firefighters access to all sides of each mobile home, and such fencing shall be provided with two (2) gates.

5. Up to the maximum of five (5) models may be placed on lots in the mobile home park. These models are to be used primarily for sales in the park and shall not be occupied as living units. Also, model units shall not be illuminated by flashing or bright spotlights.

SECTION 17.03. Special Land Uses Permitted

The following uses may be permitted under the purview of Article 34 upon the review and approval of the land use or activity by the Planning Commission, after site plan review under the purview of Article 35, and subject further to such other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the neighborhood and abutting properties.

A. Utility and public service facilities and uses (without storage yards), such as gas regulator stations and electrical substations, may be permitted on lots of not less than one (1) acre, provided buffering is installed in accordance with Article 29.

B. Home Occupations. The reason for regulating home occupations is to minimize their prevalence, and external effects on neighbors in residential areas;

1. Such occupation shall be incidental to the residential use to the extent that not more than twenty (20%) percent of the usable floor area of the dwelling unit shall be occupied by such occupation.
2. Such occupation shall not require internal or external alterations or construction features, or equipment or machinery not customary in mobile home districts.
3. There shall be no employees other than members of the residence family.
4. All business activity shall be completely within the dwelling unit.
5. Operating a business, or carrying on a business activity in excess of the limitations of a home occupation as defined and allowed in this Ordinance in an MHP District is prohibited. Conducting a business, or a business activity which results in a violation of the limitations, or is not a home occupation as defined herein, may be prosecuted in the District Court, or may be enjoined in the Circuit Court. As an alternative, the Township Supervisor or his representatives may refer this matter first to the Zoning Board of Appeals if there is a reasonable question as to whether there is a violation. Whenever a complaint is received from a neighbor, the Township Supervisor or his representative shall make an investigation and either take action against the violation, refer the matter to the Zoning Board of Appeals, or advise the complainant that there is no violation and the reason(s) for that determination. If a question concerning a home occupation is referred to the Zoning Board of Appeals, that Board shall hold a public hearing in accordance with Article 41, and shall determine whether there is, in fact, any violation of the above limitations. The Board of Appeals may take no further action, or may issue a permit, renewable yearly, for the continuation of said use, with or without restrictions. If a hearing is held, and a determination is made, the matter may not be reviewed at the complaint of a neighbor unless there has been a change of circumstances.

C. This section shall not pertain to the sale of mobile homes.

D. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.

E. Special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26.

SECTION 17.04. Site Plan Review (Preliminary Plan As Required By Public Act 96 of 1987, as Amended)

Prior to the issuance of a permit by the State of Michigan for construction of a mobile home park site, a site plan shall be submitted to the Planning Commission in accordance with the following:

A. Every site plan submitted to the Planning Commission shall be in accordance with the requirements of this Ordinance. No site plan shall be approved until same has been reviewed by the Building Official, Fire Department, Police Department, Sewer and Water Department, Road Commission for Oakland County and Oakland County Water

Resource Commissioner's Office, and where necessary, the Oakland County Health Division for compliance with the standards of their respective departments.

B. The following information shall be included on the site plan:

1. A scale of not less than one (1) inch equals one hundred (100') feet.
2. The area of the site in acres.
3. Date and north arrow.
4. The dimensions of all property lines showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures on the subject property and all existing structures within fifty (50') feet of the subject property.
6. The location of all existing and proposed service drives, sidewalks, parking areas, greenbelts (showing specific types of plantings), and individual mobile home sites.
7. The locations, and existing and proposed right-of-way widths, of all abutting roads and alleys.
8. Topography at no greater than two (2') foot contour intervals.
9. A vicinity sketch at a scale of at least one inch equals two thousand feet (1" = 2,000').
10. The names and addresses of the architect, planner, designer, or person responsible for the preparation of the site plan.
11. Trash receptacle locations, and method of screening.
12. A landscape plan must be submitted conforming with the requirements of Section 17.02, Sub-Section (F) (2).

C. In the process of reviewing the site plan, the Planning Commission shall consider:

1. The location and design of driveways and shared driveways providing vehicular ingress to and egress from the site in relation to roads giving access to the site, and in relation to pedestrian traffic.
2. Safety and convenience of both vehicular and pedestrian traffic within the site and in relation to access roads.
3. Satisfactory and harmonious relationships between development on the site and existing and prospective development of contiguous land and adjacent neighborhoods.

D. Actual construction of the mobile home park shall be in accordance with Public Act 96 of 1987, as amended, and with the approved site plan. Any change in the plan must be submitted to the Planning Commission and appropriate state agencies for additional review.

ARTICLE 18

HRC, HAGGERTY ROAD CORRIDOR OVERLAY DISTRICT

SECTION 18.01. Statement of Purpose

The intent of the HRC, Haggerty Road Corridor Overlay District is to encourage the development of a premier regional business environment, consisting of retail, office, and residential uses, as well as high end manufacturing and warehousing. It is intended that this district will be a commercial and office generator for the Township.

More specifically, the purposes of this district are as follows:

A. Encourage and direct development within the boundaries of the Haggerty Road Corridor Overlay Zoning District and implement the Commerce Township Master Plan.

B. Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of the Haggerty Road Corridor and to maintain the desired character of Commerce Township as stated in the Commerce Township Master Plan.

C. Encourage the type of development that will create a premier regional business environment along Haggerty Road.

D. With new development and renovation of existing buildings, encourage design that achieves compatibility with the planned environment.

E. Design buildings so they can be readily converted to different uses.

F. Ensure that new development will minimize the visual impact of expansive parking areas from the road.

The regulations herein have been developed in accordance with the adopted Township Master Plan and the following principles:

A. The integrity and value of existing nearby single-family residences should be preserved consistent with the Master Plan.

B. The redevelopment of this area should have connections to the surrounding road network where prudent.

C. Development should be sensitive to the environmental features of the area.

D. Integrating the mix of uses into a unified development plan will result in greater efficiency, economic value, and- a greater potential to create a sense of place that all residents of the township can be proud of.

SECTION 18.02. Applicability of Overlay Zoning Concept

The Haggerty Road Corridor Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district shown on the Zoning Map. In an area where an overlay zone is established, the property is placed simultaneously in the two zones, and the property owner may elect to develop his/her property under the underlying zoning or under the applicable conditions and requirements of the Haggerty Road Corridor Overlay District.

If a property owner elects to comply with the Haggerty Road Corridor Overlay District, then existing uses maintain conformity with underlying zoning standards, but any expansion, redevelopment, or new development shall conform to the Haggerty Road Corridor Overlay District standards. In the event there is a conflict between the requirements of the two zones, the requirements of the Haggerty Road Corridor Overlay District shall govern.

SECTION 18.03. Creation of Haggerty Road Corridor Overlay District Boundaries

The Haggerty Road Corridor Overlay District boundaries shall be as established on the Official Zoning Map. Haggerty Road Corridor Overlay Districts may be established or amended according to the Zoning Ordinance amendment procedures in Article 3. The permitted location of such uses shall be based on the Commerce Township Future Land Use Map for the area.

SECTION 18.04. Permitted Uses and Structures

A. Principal Uses and Structures.

In all areas zoned Haggerty Road Corridor Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

1. Any use charged with the principal function of basic research, design, and pilot or experimental product development.

2. Office buildings, including medical, executive, administration, professional, and corporate offices. Associated sales may be permitted, provided that no display shall be visible from the exterior of the building, and provided that the Planning Commission determines that such sales shall be clearly incidental to the principal office use.

3. Hotels subject to Article 26.

4. Medical laboratories.

5. Indoor commercial recreation facilities, such as health clubs, hardball and racquetball court facilities, pool and billiard establishments, tennis, archery and similar facilities, but not including inflatable buildings.

6. Personal service shops, including, but not limited to: repair shops (such as watch, radio, television, shoe, and home appliance repair), tailor and dressmaking shops, beauty and barbershops, and photographic studios.

7. Banks, credit unions, savings and loan associations, and similar financial institutions.

8. Restaurants, cafes, taverns, bars/lounges, carry-out restaurants, and other uses serving food and/or alcoholic beverages.

9. Fast food restaurants (drive-in and drive-thru facilities must obtain special land use approval).

10. Outdoor dining for restaurants with indoor seating subject to the terms and conditions under Article 26.

11. Retail establishments whose principal activity is the sale of merchandise in an enclosed building, including sales of groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions or hardware.

12. Retail sales in which both a workshop and retail outlet or showroom are required, such as, but not limited to establishments for plumbers, electricians, interior decorators, upholsterers, printers, and photographers, subject to the following provisions:

    a. Not more than eighty percent (80%) of the total useable floor area shall be used for service, repair or processing functions, and

    b. Retail or showroom functions shall be located in the portion of the building where the customer entrance is located.

13. Manufacturing and warehousing.

14. Child care centers, recreation and fitness facilities, cafeterias, health care services, and similar uses may be permitted as accessory uses if any such use is located wholly within the building of the principal use which it serves (except for outdoor recreation and fitness facilities), is conducted primarily for the convenience of the employees of the principal use, and has no exterior advertising or displays.

15. Essential services.

16. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

B. Special Land Uses.

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this Ordinance; and the procedures and requirements in Article 34.

1. Farmers' market

2. Drive-in or drive-through business when developed as an accessory to a principal permitted use, subject to Article 26.

3. Multiple-family housing, which may be in the form of townhouses, apartments, brownstone apartments, or similar configuration, subject to Article 26.

4. Business, office, retail, and residential uses may occupy the same building subject to the following criteria:

    a. Such multi-use buildings shall be located along Haggerty Road, north of Pontiac Trail only.

    b. No business, office, retail business, or retail sales in which both a workshop and retail outlet showroom are required, shall be located on the same floor that is used for residential purposes.

    c. No floor that is located above a floor used for residential purposes may be used in whole or in part for business or office use or retail business.

    d. Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.

5. Mini-storage facilities.

6. Clubs, fraternal organizations, and lodge halls.

7. Funeral and interment services

8. Newspaper distribution offices.

9. Accessory buildings and accessory uses customarily incidental to any of the above special land uses.

C. Uses Not Permitted.

1. Outside storage of goods, inventory, or equipment shall be prohibited.

2. New single family detached dwelling units shall be prohibited.

SECTION 18.05. Development Standards

Buildings and uses in the Haggerty Road Corridor Overlay District, except for multiple family residential dwellings, shall comply with the following requirements.

A. Building Entrances.

The first floor main entrance of the structure shall be oriented toward the road on which the structure fronts, and open to the general public. If the site is on a corner, it may have its first floor main entrance oriented to either road. No overhead doors are permitted facing a road.

B. Façade Design

All building facades that face a road shall conform to the following design criteria:

1. Exterior Building Materials. A minimum of 70% of the non-glass façade of the building shall consist of traditional materials, such as masonry, stone, or brick for all new construction, renovations, and additions. Plain concrete block, plain concrete, corrugated metal, plywood, vinyl siding and sheet pressboard are prohibited. The use of reflective glass shall be limited and shall not be used on the first floor of any building. At the building's interface with a sidewalk, cast concrete or another product shall be used that is not subject to spalling. Cement-based finishes, cement plaster, and Exterior Insulation Finish System (E.I.F.S.) may be used only for decorative purposes (e.g., for cornices, window surround, quoins, pilasters), provided that such finishes comprise no more than twenty five percent (25%) of the façade of the building. The Planning Commission may approve alternative exterior manufactured exterior materials upon finding that such materials replicate authentic traditional building materials in terms of appearance and durability.

2. Architectural Guidelines. Traditional architecture is favored in the Haggerty Road Corridor Overlay District, rather than radical design themes, structures and roof forms. Traditional architectural design is intended to convey an image of durability, permanence, craftsmanship, and visual character consistent with Township planning standards. Elements that are preferred include, by way of example, gable roofs; brick, wood, stone, Hardiplank or other durable exterior material (but not including vinyl or aluminum siding); attention to detail; front door facing the road; and substantial windows on the side facing the road. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.

3. Utilities. Utility meters, conduits, etc., shall be screened or otherwise hidden so they are not visible. Screening shall consist of the same type of exterior material used on the façade of the building.

4. Fire Escapes. Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

C. Side or Rear Facade Design

The side or rear facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features the same as those present on the front of the building shall be used on the side or rear facade.

2. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs, and trees, provided that sufficient light penetrates into the space.

D. Lighting

1. Exterior lighting shall comply with the requirements in Article 31. Lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited.

2. Sidewalks and parking areas shall be properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0-foot candle measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0-foot candles measured five (5) feet above the surface. The maximum average light intensity shall be ten (10) foot candles.

E. Parking.

Parking and parking lot design shall comply with Article 28, in its entirety, and the following standards:

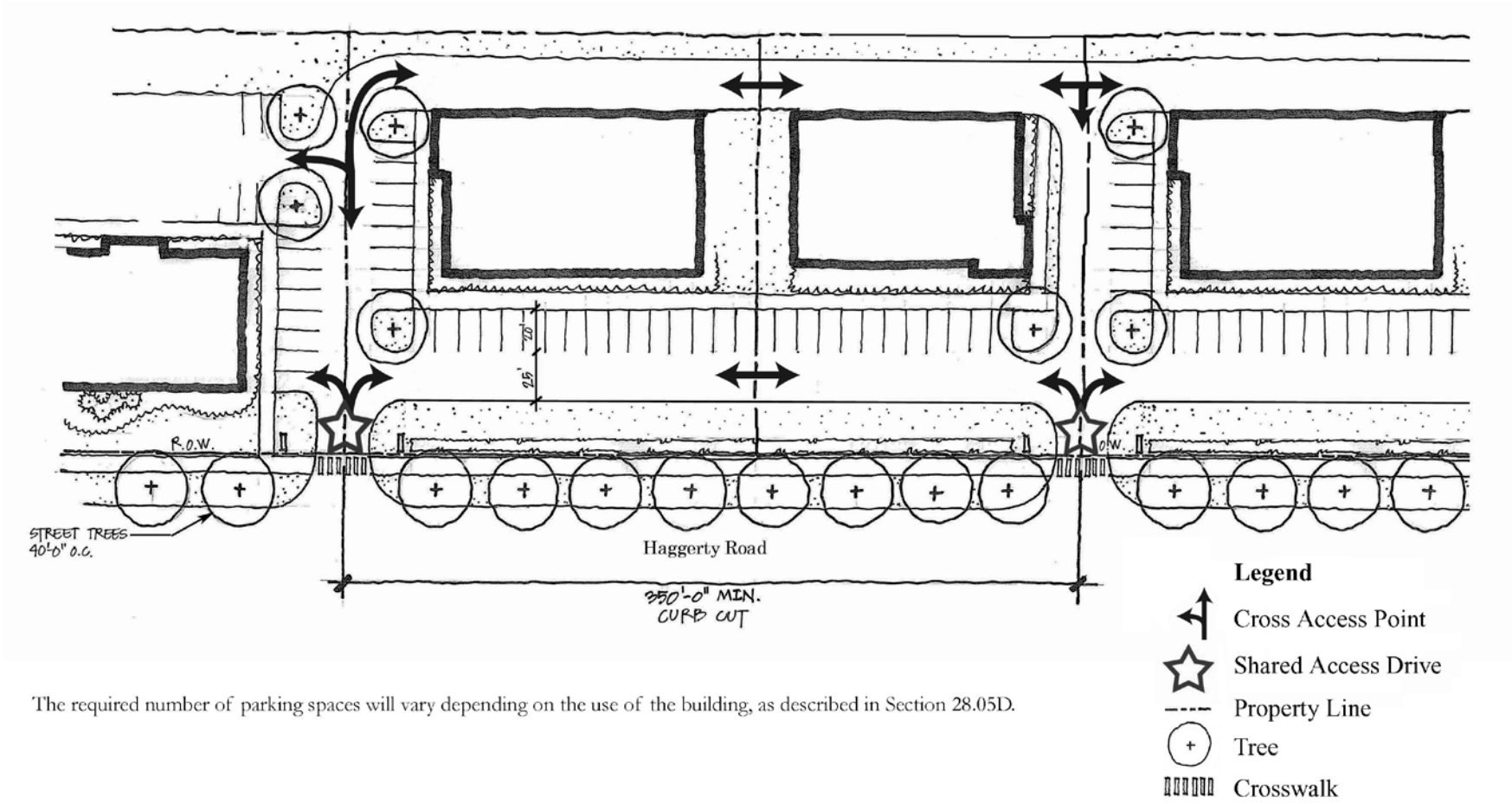
1. Front Yard Parking. The number of parking spaces located within the front yard shall be limited to a maximum of 50% of the total parking provided for the site. Parking should be located to the rear or the side of buildings to the greatest extent possible. Where possible, on-site parking lots shall be accessed by means of shared driveways, preferably from side roads or lanes. If the Planning Commission finds that additional front yard parking is needed to ensure public safety and/or logical site circulation, the Commission may permit up to a maximum of 75% of the proposed parking within the front yard.

2. Cross-Access and Shared Parking. Cross-access easements and a shared maintenance agreement are required for adjacent lots with connected parking lots.

Easements and a 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. The cross-access easement shall be recorded and the cross-access shared driveway shall be installed at the same time that the parking lot on the same lot is constructed.

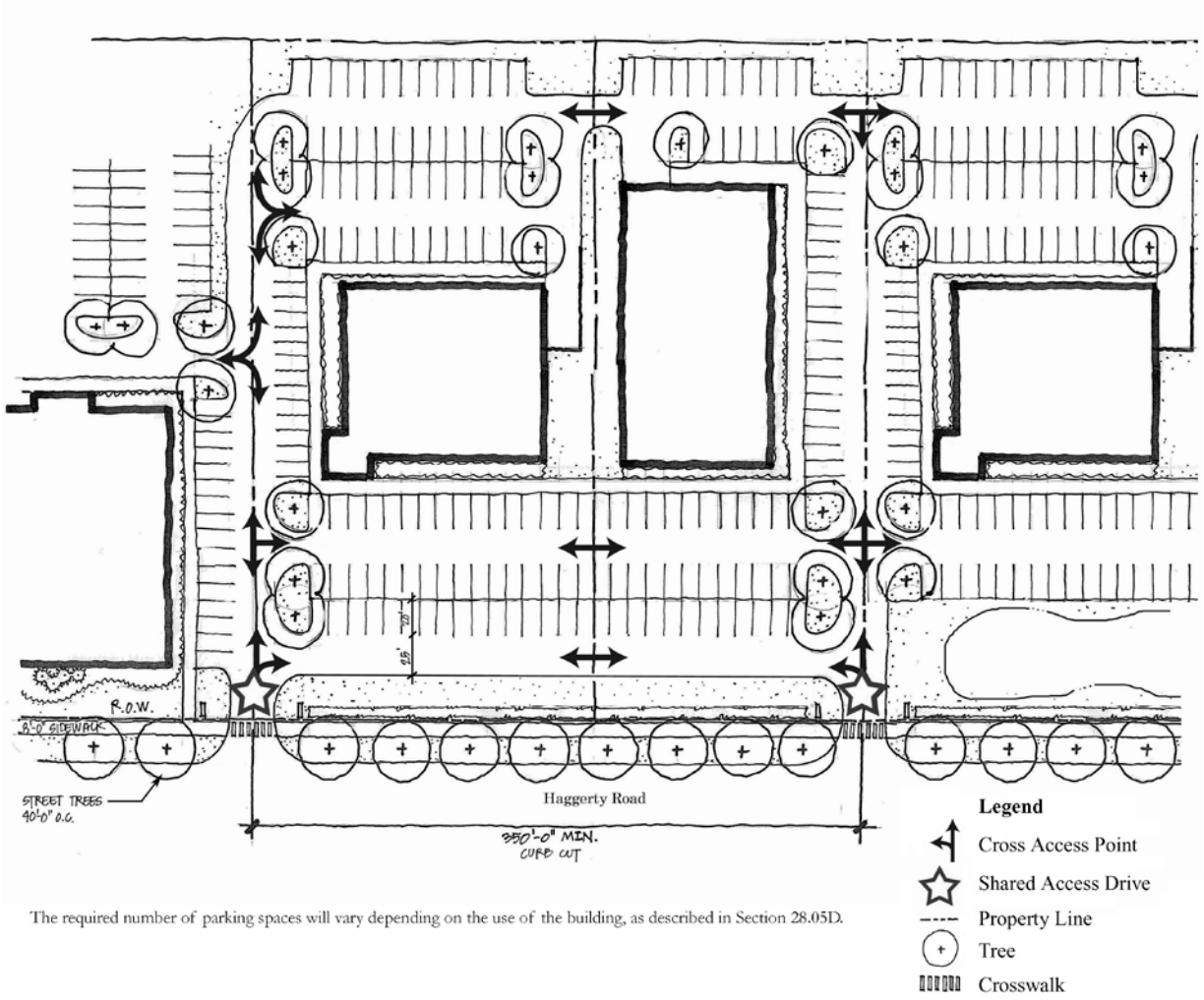
Common, shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities.

Off-street parking shall be set back a minimum of twenty-five (25) feet from the front lot line (eighty-five (85) feet from the Haggerty Road centerline). Off-street parking shall be set back a minimum of ten (10) feet from any single family residentially zoned parcel. (See the following pages for prototypes illustrating shared parking and cross-access for typical 200-foot and 400-foot deep lots).



The required number of parking spaces will vary depending on the use of the building, as described in Section 28.05D.

Prototype - 200 foot deep lot



The required number of parking spaces will vary depending on the use of the building, as described in Section 28.05D.

Prototype - 400 foot deep lot

3. Maximum Number of Spaces. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article 28. Accordingly, the maximum number of parking spaces that may be provided is 120% of the minimum parking requirement.

4. Pedestrian Circulation. The parking lot layout shall accommodate pedestrian circulation. Pedestrian crosswalks shall be provided, shall be distinguished by textured paving or pavement striping, and shall be integrated into the sidewalk network.

5. Screening. Surface parking lots shall be screened from the road and adjacent residential areas in accordance with Article 18.

6. Collective Provision of Off-Street Parking. Off-street parking for separate buildings or uses may be provided collectively subject to Article 28 and the following conditions:

   a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use; however, the Planning Commission may reduce the total number of required spaces upon making the determination that the parking demands of the uses being served do not overlap, with the understanding that future building use and occupancy will be limited by available parking. Land banking of space for parking lot expansion should be considered in anticipation of future change in use or occupancy.

   b. Each use served by collective off-street parking shall have direct access to the parking without crossing roads.

   c. Easements and a maintenance agreement are required. Easements and a 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.

F. Landscaping

1. Compliance with Article 29. Each site shall comply with the landscape requirements in Article 29. However, in consideration of the overall design and impact of a specific landscape plan, and in consideration of the distinct setting in which Haggerty Road Corridor Overlay District sites are developed, the Planning Commission may modify the specific landscaping requirements, provided that any such adjustment is in keeping with the intent of this Article and the Ordinance in general.

2. Building Foundation Plantings. Structures shall be provided with landscaping along the portion of their foundations that is visible from a public thoroughfare,

except where walkways, truck wells, loading areas, etc., abut the foundation. The landscaped area must be at least three (3) feet in depth and must be suitably landscaped. Applicants are encouraged to submit planting plans that exceed the minimum dimensions specified above so as to achieve a more pleasing overall landscaping effect.

3. Landscaping Adjacent to Public Right-of-Way. Site landscaping along public rights-of-way shall be provided as follows:

   a. A minimum of one (1) deciduous canopy tree shall be planted for each forty (40) feet of frontage.

   b. A minimum of three (3) ornamental trees shall be planted for each forty (40) feet of frontage along the road right-of-way. The required ornamental trees should be interspersed along the road frontage to provide for a natural appearance. Groupings of trees may be permitted.

   c. Massing of ornamental grasses, perennials, and/or annuals and bulbs is required for twenty-five (25) percent of the length of the road right-of-way. The planting bed shall have a minimum width of twelve (12) feet. Plantings should be concentrated near the main site entry points or to highlight significant design, provided that proper corner clearance is provided pursuant to Article 6.

   d. These requirements may be waived by the Planning Commission where comparable landscaping is proposed to be planted by the Downtown Development Authority.

4. Parking Lot Landscaping. A parking lot landscape buffer is required when a parking lot is located within fifty (50) feet of a public or private road. The intent of the landscape buffer shall be to adequately screen parking areas from adjacent public and private roads. The landscape buffer shall consist of:

   a. A minimum 10-foot wide buffer between the parking lot back-of-curb and the road setback line.

   b. Evergreen and/or a mix of evergreen and deciduous shrubs are required to provide screening of parking areas. A shrub hedge must be provided along the length of the parking area adjacent to a public road. The landscape hedge must be a minimum of three (3) feet tall at maturity or continuously maintained at a minimum of three (3) feet tall. In lieu of landscaping, the Planning Commission may accept a masonry wall, or a wall and landscaping combination.

   c. These requirements may be waived by the Planning Commission where comparable landscaping is proposed to be planted by the Downtown Development Authority.

5. Detention Pond Landscaping. All detention ponds or similar stormwater management facilities (including bioswales, rain gardens, and similar facilities) shall be designed to have a natural appearance incorporating natural looking grading contours. Detention pond landscaping shall comply with the following requirements:

   a. 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.

   b. 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.

   c. One canopy deciduous tree (e.g., oak, maple, etc.) shall be planted for every fifty (50) linear feet measured along the freeboard elevation of the pond.

   d. Detention ponds shall be planted with native grasses having a minimum height of 24 inches or detention pond seed mix to discourage use by waterfowl 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.

   e. 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.

G. Loading Zone.

A service aisle or designated loading zone shall be reserved at the rear or side of the building, as appropriate. Loading areas shall be screened when necessary so that they will not be seen from the road. Loading zones or service aisles shall not be located in the front open space.

H. Sidewalks.

1. Sidewalk Width and Location. Sidewalks shall be provided in accordance with the Commerce Charter Township Code.

2. Driveway Crossings. When a sidewalk crosses a driveway or shared driveway, the driveway or shared driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway or shared driveway to indicate that pedestrians have the right-of-way.

I. Mechanical Equipment.

1. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.

J. Access Management.

Access is a means to provide vehicular entrance to or exit from a parcel. *Access Management* means controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road. Access management is necessary to preserve the capacity of primary roads, encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements, and to improve safety and reduce the potential for crashes.

The following access management provisions shall apply to Pontiac Trail, Maple, and Haggerty Roads within the HRC District:

1. For expansion and/or redevelopment of existing sites where the Planning Commission determines that compliance with all standards of this section is unreasonable, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply:

    a. Size of the parcel is insufficient to meet the dimensional standards.

    b. The spacing of existing, adjacent driveways or shared driveways or environmental constraints prohibit adherence to the access standards at a reasonable cost.

    c. The use will generate less than five hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent road, based on rates developed by the Institute of Transportation Engineers.

    d. There is no other reasonable means of access.

2. General Standards for Driveway and Shared Driveway Locations

    a. Driveways and shared driveways shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade.

    b. Driveways and shared driveways, including the radii but not including

right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Road Commission for Oakland County.

3. Provisions shall be made to share access with adjacent uses. Shared access easements and maintenance agreements are required. Easements and a 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. Property owners are encouraged to combine smaller parcels to create larger development parcels and reduce the number of commercial driveways. See pages below for sample prototypes illustrating shared parking and cross-access for typical 200-foot and 400-foot deep lots.

4. The number of commercial driveways shall be the minimum necessary to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. A single means of direct or indirect access shall be provided for each separately owned parcel. Where possible, this access shall be via a shared driveway. Where it is not possible to provide shared access, this access may be by a single driveway. Additional driveways may be permitted for a property only under one of the following conditions:

   a. One (1) additional driveway may be allowed for properties with a continuous frontage of over five hundred (500) feet, and one (1) additional driveway for each additional five hundred (500) feet of frontage, if the Planning Commission determines there are no other reasonable access opportunities.

   b. Two (2) one-way driveways may be permitted along a frontage of at least one hundred twenty five (125) feet, provided the driveways do not interfere with operations at other driveways or along the road.

   c. The Planning Commission may determine addition driveways are justified due to the amount of traffic generated by the use without compromising traffic operations along the public road, based upon a traffic impact study commissioned by the Township.

K. Signs

Signs for sites within the HRC District shall comply with the applicable standards in Article 30, Signs.

L. Multiple Family Development Standards

Multiple family developments in the HRC District shall comply with the applicable standards in Article 26.

SECTION 18.06. Area, Height, Bulk, and Placement Requirements

The following chart summarizes the regulations in Article 18, but the user is cautioned to refer to Article 18 for more detailed information and explanatory notes.

Regulation	**South Haggerty Road Area (South of Pontiac Trail)**	**North Haggerty Road Area (North of Pontiac Trail)**	**Maple Road Area**
Minimum Lot Area	None specified	None specified	None specified
Minimum Lot Width	None specified	None specified	None specified
Maximum Height	3 stories, 35 feet - See footnote *(a)*	3 stories, 35 feet -See footnote *(a)*	3 stories, 35 feet -See footnotes *(a)* and *(b)*
Setbacks			
Front	Minimum of 30 feet- See footnote *(c)*	Maximum of 25 feet - See footnote *(c)*	See underlying zoning district
Side	See underlying zoning district	See underlying zoning district	See underlying zoning district
Rear	See underlying zoning district	See underlying zoning district	See underlying zoning district
Maximum Density of Multiple Family Development	See Article 26	See Article 26	See Article 26

Table Notes

(a) For sites within 500 feet of the centerline of Pontiac Trail and/or M-5, the maximum permitted height may be increased to 4 stories and 45 feet.

(b) For sites within the HF, Hospital Facilities District, the maximum height may be increased consistent with the standards of the HF, Hospital Facilities District.

(c) For sites located along Haggerty Road, Crumb Road, Maple Road, Pontiac Trail, or Walnut Lake Road, the setback line shall be measured from a line 60 feet from the centerline of the road.

SECTION 18.07. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 35.

m:\ctc\zoning ordinance\current ordinance\article 18 haggerty rd.doc

ARTICLE 19

TC, TOWN CENTER OVERLAY DISTRICT

SECTION 19.01. Statement of Purpose

The intent of the TC, Town Center Overlay District is to encourage the development of a lively, mixed use area, consisting of retail, office, residential, township governmental, and hospitality uses. It is intended that this district will be a primary focus of community activity.

More specifically, purposes of this district are as follows:

A. Promote the development of a commercial service district in which a variety of retail, commercial, office, civic, entertainment and residential uses are permitted in a pedestrian accessible environment.

B. Provide flexible regulations regarding streetscape design, landscape design, parking, architectural and façade design, residential dwelling units, and setback standards.

C. Encourage development of buildings that are harmonious with each other and with the Township's Master Plan recommendations for the Town Center Area Plan, the boundaries of which are coterminous with the boundaries of the Town Center Overlay District.

The purpose of the regulations contained herein is to give general guidelines or parameters, recognizing that details regarding the uses and structures will emerge at the time of development. Because of existing conditions, conventional zoning standards cannot be reasonably applied to The Town Center Overlay District. Conventional zoning standards are too inflexible to deal with the type of development anticipated.

The regulations herein have been developed in accordance with the adopted Township Master Plan and the following principles:

A. The integrity and value of existing nearby single-family residences should be preserved consistent with the Master Plan.

B. The redevelopment of this area should have connections to the surrounding road network, where prudent.

C. Development should be sensitive to the unique environmental features of the area.

D. Integrating the mix of uses into a unified development plan that will result in greater efficiency, economic value, and a greater potential to create a sense of place so as to attract new residents and give existing residents a community they can be proud of.

E. Road improvements should be planned and developed so needed improvements are in place to handle increased traffic.

SECTION 19.02. Applicability of Overlay Zoning Concept

The Town Center Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district shown on the Zoning Map. In the Town Center Overlay District, the property shall be developed only under the applicable conditions and requirements of both zones. It is intended that existing uses maintain conformity with underlying zoning standards, but any expansion, redevelopment, or new development shall conform to the Town Center Overlay District standards. In the event there is a conflict between the requirements of the two zones, the requirements of the Town Center Overlay District shall govern.

SECTION 19.03. Creation of Town Center Overlay District Boundaries

The Town Center Overlay District boundaries shall be as established on the Official Zoning Map. Town Center Overlay Districts may be established or amended according to the Zoning Ordinance amendment procedures in Article 3.

SECTION 19.04. Permitted Uses and Structures

A. Principal Uses and Structures

In all areas zoned Town Center Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following regionally-oriented principal permitted uses. The permitted location of such uses shall be based on the Commerce Township Future Land Use Map for the area.

1. Multiple-family housing may be in the form of townhouses, apartments, brownstone apartments, or similar configuration. Business, office, retail and residential uses may occupy the same building, provided that:

    a. With the exception of legal home occupations, no business, entertainment, office use or retail business shall be located on the same floor that is used for residential purposes.

    b. No floor may be used in whole or in part for business or office use or retail business on a floor located above a floor used for residential purposes.

    c. Where there are non-residential and residential uses in a building, the residential uses shall be provided with separate, private entrances.

2. Housing for the elderly, including assisted living facilities.

3. Residential care facilities.

4. Generally recognized retail businesses that supply commodities on the premises, such as, but not limited to: stores selling groceries, meats, fruits and produce, dairy products, baked goods, and other specialty food products, pharmaceuticals, dry goods, flowers, clothing, notions, furniture, and hardware.

5. Department stores.

6. Hotels.

7. Public and quasi-public uses such as municipal offices, courthouses, public off-street parking, libraries, museums, public safety facilities, and public recreational facilities.

8. Offices of an executive, administrative, or professional nature.

9. Medical offices and medical laboratories.

10. Research and development businesses.

11. Performing arts center, theaters, assembly halls, community centers, or similar places of assembly.

12. Outdoor theater, plazas, parks, and public gathering places.

13. Schools and colleges.

14. Business establishments that perform services on the premises, such as, but not limited to: banks and other financial institutions (not including drive-thru, which are subject to special land use approval), insurance offices, real estate offices, and travel agencies.

15. Churches and other places of worship.

16. Dry cleaning drop-off establishments (not to exceed 4,000 sq.ft.), dealing directly with the consumer, but not including drive-thru facilities.

17. Indoor commercial recreational facilities, such as health clubs, handball and racquetball facilities, pool and billiard establishments, ice arenas, tennis, archery and similar facilities, but not including inflatable buildings.

18. Personal service shops, including, but not limited to: repair shops (such as watch, radio, television, shoe repair, and home appliance), tailor and dressmaking shops, beauty and barbershops, and photographic studios.

19. Standard restaurants (except drive-in and drive-thru facilities, which are subject to special land use approval), taverns and bars.

20. Fast food restaurants (except drive-in and drive-thru facilities, which are subject to special land use approval).

21. Take-out food and beverage sales.

22. Outdoor cafes, outdoor eating areas subject to adequate control of noise, particularly adjacent to residential areas.

23. Essential services.

24. Uses and structures accessory to the above, subject to the provisions in Article 33.

B. Special Land Uses

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements in Article 34.

1. New single family detached dwelling units. (Special use approval shall not be required for expansion or renovation of a single family dwelling in existence at the time of adoption of this Article, provided that such expansion or renovation is in compliance with the adopted Building Code.)

2. Drive-thru or drive-in facilities, subject to Article 26.

3. Farmers' market.

4. Bed and breakfast establishments, containing ten (10) or fewer units.

5. Clubs, fraternal organizations, and lodge halls.

6. Funeral and interment services.

7. Retail sales in which both a workshop and retail outlet or showroom are required, such as, but not limited to establishments for interior decorators, artisans, upholsterers, printers, and photographers, subject to the following provisions:

   a. Not more than eighty percent (80%) of the total useable floor area shall be used for service, repair or processing functions, and

   b. Retail or showroom functions shall be located in the portion of the building where the customer entrance is located.

8. Dry cleaning plants when they are incidental to a dry cleaning establishment on the site.

9. Uses and structures accessory to the above.

C. Uses Not Permitted

1. Uses having outside storage shall be prohibited, except for automobile showrooms and outdoor display space for the exclusive sale of new and used motor vehicles subject to the terms of a planned unit development (PUD) approved per Article 38 of this ordinance.

SECTION 19.05. Development Standards

Buildings and uses in the Town Center Overlay District, except for residential dwellings, shall comply with the following requirements.

A. Building Entrances

The first floor main entrance of the structure shall be oriented toward the road on which the structure fronts, and open to the general public. If the site is on a corner, it may have its first floor main entrance oriented to either road. No overhead doors are permitted facing a road. If necessary, in larger developments a mid-block passageway shall be constructed to provide access from parking areas to main entrances.

B. Façade Design

All building facades that face a road shall conform to the following design criteria:

1. Windows. All commercial building facades under 15,000 square feet in gross floor area that are visible from the road shall have windows with transparent, non-reflective glass, with the following requirements:

   a. First floor: minimum 30% of facade.

   b. Second floor and above: minimum 20% of facade.

   Windows on the first floor shall be a minimum of two (2) feet above finished floor level.

2. Exterior Building Materials. Traditional building materials, such as finished masonry, stone, brick, or wood, shall be used as the predominant exterior building materials for all new construction, renovations, and additions. Plain concrete block, plain concrete, corrugated metal, plywood, vinyl siding and sheet pressboard are prohibited. At the building's interface with a sidewalk, cast concrete or another product shall be used that is not subject to spalling. Cement-based finishes, cement plaster, and Exterior Insulation Finish System (E.I.F.S.) are permitted only if used a minimum of ten (10) feet above grade, where such finishes will be less susceptible to damage, and provided they cover no more than ten percent (10%) of the exterior surface area (may exceed 10% with approval of Planning Commission where material is scored or otherwise architecturally treated to give the appearance of texture rather than a flat, monotonous façade). The Planning Commission may approve alternative manufactured exterior materials if there is a compelling structural reason, upon finding that such materials replicate authentic traditional building materials in terms of appearance and durability.

3. Architectural Guidelines. Traditional architecture is favored in the Town Center Overlay District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Traditional architectural design is intended to convey an image of durability, permanence, craftsmanship,

and consistent with Township planning standards. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance. Inflatable buildings shall be prohibited.

4. Utilities. Utility meters, conduits, etc., shall be screened, constructed in a building recess, or otherwise hidden so they are not visible from any public road.

5. Fire Escapes. Fire escapes shall not be permitted on a building's front facade. In buildings requiring a second means of egress pursuant to the local building codes, internal stairs or other routes of egress shall be used.

C. Side or Rear Facade Design

Wherever a side or rear facade is visible from a public or private road, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features the same as those present on the front of the building shall be used on the side or rear facade.

2. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs, and trees, provided that sufficient light penetrates into the space.

D. Awnings

Awnings shall be permitted on buildings subject to the following criteria:

1. Construction. All awnings must be made from canvas fabric or similar waterproof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.

2. Attachment to Building. All awnings shall be attached directly to the building, rather than supported by columns or poles.

3. Design. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Round-top, half-round, box, or other unusual awning shapes are discouraged. Internally lighted awnings are prohibited. There shall be a minimum of clearance of eight (8) feet between the sidewalk and the lowest part of the awning.

4. Maintenance. Awnings shall be maintained on a regular basis. Fabric awnings shall be replaced when torn, or when the Planning Director determines that they are excessively faded or soiled. At the time of approval, the applicant shall provide the Township with a fabric swatch to be kept on file. The Planning Director shall

evaluate the condition of awnings by comparing the swatch to the awning fabric. A loss of 20% of color intensity, as judged by the Planning Director, shall be sufficient to necessitate replacement.

E. Lighting

1. General Requirements. Exterior lighting shall comply with the requirements in Article 31. Lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited.

2. Appropriate Lighting Levels. Sidewalks and parking areas shall be properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of 1.0-foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of 2.0-foot candles, measured five (5) feet above the surface. The maximum average light intensity shall be ten (10) foot candles.

3. Traditional or Decorative Fixtures. The Planning Commission or Building Director may waive or modify the cut-off, orientation, and shielding requirements for traditional-style or decorative lighting fixtures, upon making the determination that the fixtures will comply with the illumination levels specified herein, will not cause glare or interfere with the vision of motorists, and will be consistent with the spirit and intent of this Ordinance.

F. Parking and Circulation

Parking and parking lot design shall comply with the following standards, in addition to the provisions of Article 28.

1. Front Yard Parking. New or expanded parking lots on the interior of the lots shall be located to the rear or side of the buildings, accessed by means of shared driveways, preferably from side roads or lanes. Parking lots shall connect with parking lots on adjacent properties. No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning Commission determines that parking in front of the building would be acceptable for either of the following reasons:

    a. Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site, or

    b. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

2. Cross-Access and Shared Parking. Cross-access easements and a shared maintenance agreement are required for adjacent lots with connected parking lots. Easements and a 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. The cross-access shared driveway shall be installed at the same time that the parking lot on the same lot is constructed.

   Common shared parking facilities are encouraged. Required parking may be accommodated off-site in common, shared parking facilities provided they are within 500 ft.

   Off-street parking shall be set back a minimum of ten (10) feet from the front lot line. Off-street parking shall be set back a minimum of ten (10) feet from any single family residentially zoned parcel.

3. Maximum Number of Spaces. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements of Article 28. Accordingly, the maximum number of parking spaces that may be provided is 120% of the minimum parking requirement.

4. Pedestrian Circulation. The parking lot layout shall accommodate pedestrian circulation from the edge of the parking lot to the entrance of the buildings. Pedestrian crosswalks shall be provided, shall be distinguished by textured paving or brick pavers, and shall be integrated into the sidewalk network.

5. Screening. Surface parking lots shall be screened from the road and adjacent residential areas in accordance with Article 19.

6. Collective Provision of Off-Street Parking. Off-street parking for separate buildings or uses may be provided collectively subject to the following conditions:

   a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use; however, the Planning Commission may reduce the total number of required spaces upon making the determination that the parking demands of the uses being served do not overlap.

   b. Each use served by collective off-street parking shall have direct access to the parking without crossing roads.

   c. Easements and a maintenance agreement are required. Easements and a 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.

7. Bicycle Rack. A bicycle rack to accommodate bicycle parking shall be provided on each site.

G. Building Setbacks

The minimum setbacks and minimum lot size shall be based on accepted planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site. There is a desire to create a comfortable and interesting pedestrian environment with buildings as close to the road as practicable.

H. Building Height

Buildings shall have the appearance of being at least two (2) stories in height. The maximum height shall be four (4) stories or fifty-six (56) feet in height, except that the maximum height for hotels shall be five (5) stories or seventy (70) feet.

I. Landscaping

1. Compliance with Article 29. Each site shall comply with the landscape requirements in Article 29. However, in consideration of the overall design and impact of a specific landscape plan, and in consideration of the urban setting in which Town Center Overlay District sites are developed, the Planning Commission may modify the specific landscaping requirements set forth below, provided that any such adjustment is in keeping with the intent of this Article and the Ordinance in general.

2. Building Foundation Plantings. Structures shall be provided with landscaping along the portion of their foundations that is visible from a public thoroughfare. The landscaped area must be at least three (3) feet in depth. For each one hundred (100) square feet of hard-surfaced area between the building and the road lot line at least one of the following amenities must be provided: a bench or other seating, a tree, or a landscape planter.

3. Street Trees. A minimum of one (1) deciduous canopy tree shall be planted for each thirty-five (35) feet of road frontage. This requirement shall be waived where street trees have been planted or are proposed to be planted by the Downtown Development Authority.

4. Parking Lot Landscaping.

    a. A parking lot landscape buffer is required when a parking lot is located within fifty (50) feet of a road, measured from the back of curb. The landscape buffer shall consist of:

i. A minimum 10-foot wide buffer between the parking lot and the road setback line.

ii. A decorative masonry wall or decorative wrought-iron appearing aluminum fence with a height between 3 and 3.5 feet. If a fence is proposed, decorative masonry pillars shall be used to connect fence panels with a minimum of one pillar being provided every 24-25 feet.

iii. A minimum 4-foot wide planting strip including evergreen shrubs planted to form a continuous hedge with a height between 2-3 feet at maturity in between the fence and the road right-of-way or road easement (see figure 19.1).

b. A parking lot landscape buffer is required when a parking lot is located adjacent to residentially-zoned or used land. The landscape buffer shall consist of:

i. A minimum 10-foot wide buffer shall be provided between the parking lot and the residential property line.

ii. A decorative masonry wall shall be constructed along the property line. In lieu of constructing a wall, the buffer width may be increased to twenty (20) feet.

iii. The buffer strip shall be planted with a variety of trees and shrubs at the following rates:

Deciduous trees:	2 trees per 100 lineal feet
Ornamental trees:	1 tree per 100 lineal feet
Evergreen trees:	4 trees per 100 lineal feet
Shrubs:	6 shrubs per 100 lineal feet

5. Detention Pond Landscaping. All detention ponds or similar stormwater management facilities (including bioswales, rain gardens, and similar facilities) shall be designed to have a natural appearance incorporating natural looking grading contours and native plant materials whenever possible. Detention pond landscaping shall comply with the following requirements:

a. Clusters of large 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.

b. 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.

c. One canopy deciduous tree (e.g., oak, maple, etc.) shall be planted for every fifty (50) linear feet measured along the freeboard elevation of the pond.

d. Detention ponds shall be planted with native grasses having a minimum height of 24 inches or detention pond seed mix to discourage use by waterfowl 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.

e. 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 are no longer necessary.

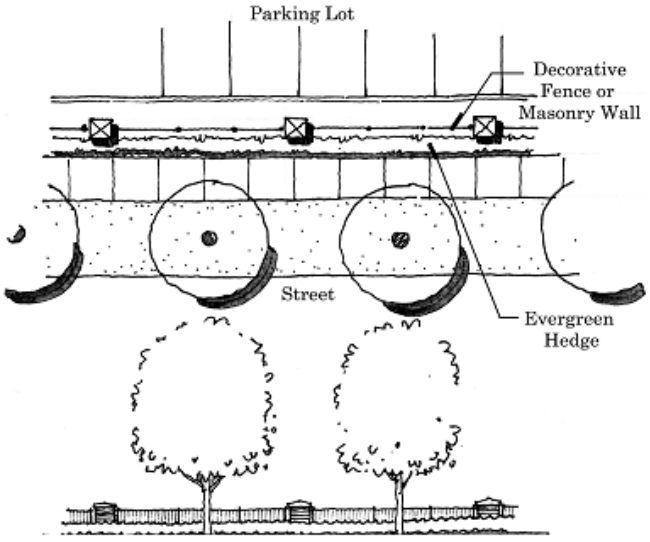


Figure 19.1 – Interior Parking Lot Buffer

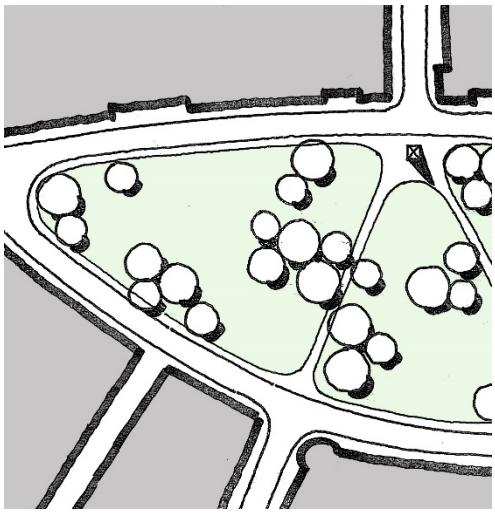
J. Open Space

All developments in the Town Center Overlay District shall provide open spaces. The requirements for open space may be waived or reduced by the Planning Commission where open space has been provided or is planned in proximity to a proposed development by the Downtown Development Authority. The types of open spaces that may be provided are summarized below:

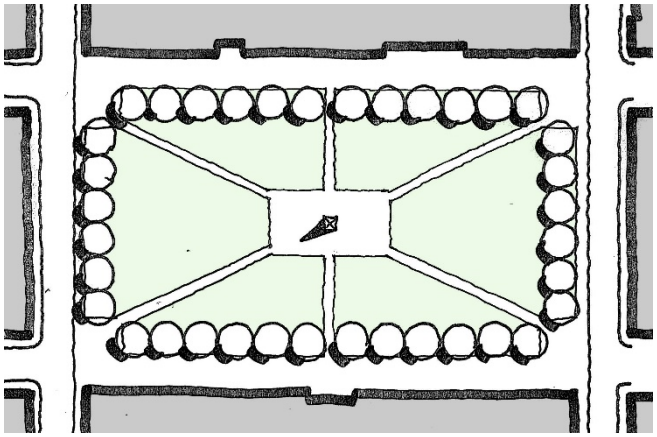
Park. An open space usually created around an existing natural feature. It is the largest type of open space and is the most natural in character. A park does not have a minimum area; however, it must contain a natural feature of some kind, such as a woodlot, water channel or water feature, or wetland.



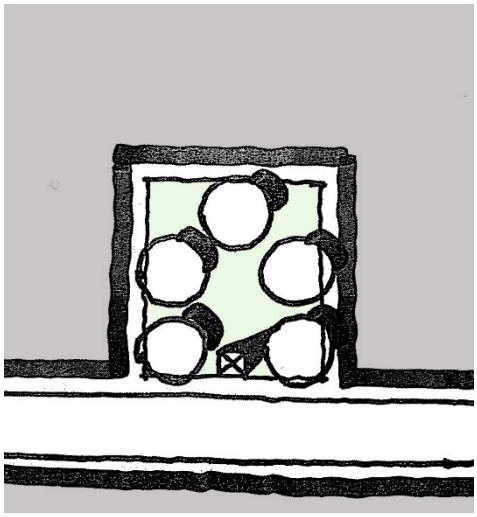
Green. An open space type that is spatially defined by adjacent rights-of-way, private road easements, or building facades. A green contains a grassy center that may have hard surfaced pedestrian pathways crossing the lawn area. The edges of the green are usually defined by formal tree plantings or landscaped planters which surround the grassy center. A green shall have a minimum area of 1 acre, and shall have a minimum dimension of 150 feet in any one direction.



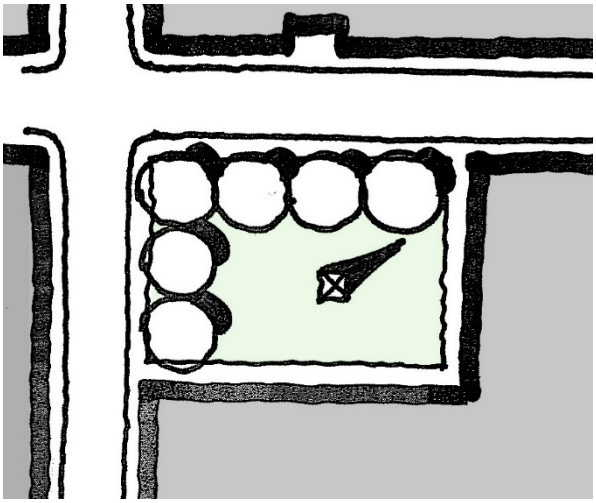
Square. An open space type defined by adjacent building facades, public road rights-of-way, or private road easements. It has a mix of pavement and formally designed landscaping. Monuments and art work are commonly included in its design. A square is defined on at least one side by a road. A square shall have a minimum area of 15,000 sq. ft. and a maximum area of 1 acre and shall have a minimum dimension of 100 feet in any one direction.



Close. A type of open space that is fronted by buildings on 3 sides and a street on the fourth side. A close is typically hard surfaced with any landscaping being located in planters or tree grates. A close shall have a minimum area of 4,000 sq. ft. and a maximum area of 15,000 sq. ft. and shall have a minimum dimension of 50 feet in any one direction.



Corner Plaza. A type of open space located at the corner of two roads. A corner plaza is created by shifting the build-to-zone along one road back from the frontage line of the building lot to create an open space area in between the building and the road. A corner plaza is fronted by buildings on 2 sides and by roads on 2 sides. A corner plaza shall have a minimum area of 4,000 sq. ft. and a maximum area of 6,000 sq. ft. and shall have a minimum dimension of 30 feet in any one direction. When a corner plaza is proposed, the build-to zone is shifted to the edge of a corner plaza.



Playground. An open space type that can be surfaced or landscaped and includes play equipment, recreational facilities such as tennis courts or basketball courts, and/or recreational fields, depending on the size of the playground. Typically, the area is fenced and is found in primarily residential areas. A playground shall have a minimum area of 5,000 sq. ft.

1. Minimum Open Space Required. Unless the minimum open space requirements are waived or reduced by the Planning Commission because of the proximity of open space provided by the Downtown Development Authority, then open space shall be provided in the Town Center Overlay District at the ratios expressed in the following chart:

Table 19.1: Minimum Open Space Required

Building Type	Open Space Required	Permitted Open Space Types
Commercial or Office	5% of gross floor area of buildings	Close Corner Plaza Green Square
Residential	250 sq. ft./dwelling unit	Green Park Playground

2. Location of Open Space. Open space shall be located proximate to the building type for which it is required. For example, if a Close open space is proposed to meet the open space requirement for a commercial building, the close should be fronted by commercial buildings. Common open space serving the entire development may be counted toward meeting the open space requirements of adjacent buildings, subject to approval of the Planning Commission.

3. Open Space Maintenance Plan. The applicant shall submit an open space maintenance plan indicating how privately owned open space will be maintained in an attractive and inviting condition, and identifying the party or parties responsible for maintaining the open space.

K. Service Access

1. A service area or designated loading space shall be reserved at the rear or side of the building, as appropriate, provided no loading space shall face directly onto a road.

L. Signs

1. Applicability.

   a. When new site development is proposed, sign locations shall be shown on building elevations and site plans submitted for site plan approval and shall be reviewed and approved by the Planning Commission.

   b. Signs proposed for an existing site developed under the standards of this Section shall require only sign permit and approval from the Building and Planning Departments, unless the proposed development requires site plan review.

   c. No sign shall be erected without a valid sign permit. Sign permit applications are submitted to the Building Department and reviewed for ordinance compliance by the Planning Department.

      For new developments, sign location shall be shown on site plans and building elevations and shall be approved by the Planning Commission.

2. Purpose. The intent of the Town Center District sign regulations are to:

   a. Establish reasonable standards for business identification.

   b. Encourage creative approaches to signage within an established framework.

   c. Promote economic vitality in the Town Center District.

   d. Enhance property values and the visual environment in the Township by discouraging signs that visually clutter the streetscape.

   e. Ensure that commercial signs are designed for the purpose of identifying a business in an attractive and functional manner.

   f. Ensure that signs on the façade of buildings reinforce the intended character of the Town Center Overlay District and are integrated into the architectural scheme of the building.

   g. Promote a quality visual environment by allowing signs that are compatible with their surroundings and that effectively communicate their message.

3. Design and Materials.

   a. Signs shall be professionally constructed using high-quality materials such as metal, stone, hard wood, and brass. The use of exposed neon tubing in conjunction with other types of materials to emphasize the business name or logo is permitted; however, any other use of neon tubing for signage is prohibited.

   b. Internally lit plastic letters or plastic box signs are prohibited.

   c. To minimize irreversible damage to masonry, all mounting and supports shall be inserted into mortar joints and not into the face of the masonry.

4. Sign Lighting. Sign lighting greatly contributes to the character and perceived quality of a sign. Signs in the Town Center District shall comply with the following lighting requirements:

   a. *Internally Illuminated Signs*. Internally illuminated signs are prohibited in the Town Center Overlay District; except that the Planning Commission may permit internally illuminated monument or wall signs if the applicant can demonstrate that no alternative sign illumination method is available to make monument or wall signs oriented towards a primary road legible to passing motorists (Martin Road, Martin Parkway, Welch Road, Pontiac Trail, Oakley Park, and Haggerty Road are the primary roads in the Town Center Overlay District).

b. *Externally Illuminated Lighting*. Projecting light fixtures used for externally illuminated signs such as gooseneck fixtures for wall or projecting signs or ground mounted spotlights for monument signs shall be simple and unobtrusive in appearance. Any external sign light source must be designed so that the light source is directed against the sign and away from pedestrian or automobile travel ways, and the light source must not shine onto adjacent properties or cause glare for motorists or pedestrians.



Gooseneck Light Fixtures

c. *Back-lit, Halo-lit, or Reverse Channel Letter Illumination*. The use of back-lit, halo-lit, or channel-lit lighting is permitted in the Town Center Overlay District. These types of sign lighting are appropriate for pedestrian and automobile scale sign lighting applications (see illustration at right).



Reverse Channel Illumination

d. *Prohibited Signs*. Any sign incorporating flashing or blinking lights, animated display screens, or LCD readerboards is prohibited on private property in the Town Center Overlay District.

5. Multiple Story Buildings. The following regulations are applicable to multiple story buildings:

a. Ground floor tenants shall place signs at the storefront level, below the expression line separating the ground floor from upper floors.

b. Upper story tenants may only display window signs. A maximum of one (1) window sign may be permitted in one (1) window per tenant. Such window signs may not exceed 20% of the total window area appurtenant to the tenant's floor space.

c. A directory sign shall be permitted at ground level entrances that provide access to upper story tenants.

d. Permanent banner signs are permitted on the upper façade area of a multiple story building.

6. Permitted Signs. The following types of sign are permitted in the Town Center Overlay District:

a. WALL SIGNS	
Definition: A sign that is mounted flush and fixed securely to or painted on a building wall, projecting no more than 12 inches beyond the face of a building wall and not extending sideways beyond the building face or above the highest line of the building to which it is attached.  	Regulations: i. Wall signs should be located on the upper portion of the storefront, and should not exceed the width of the storefront bay. ii. Wall signs shall not exceed 15% of the area of the building façade on which they are mounted, placed, or painted. The total sign area of all Wall, Awning and Canopy, Plaque, and Permanent Banner Signs for each tenant space may not exceed the limits in Article 19. iii. Wall signs shall be placed in a clear signable area, which is an architecturally continuous area uninterrupted by doors, windows, or architectural details such as grillwork, piers, pilasters, or other ornamental features.

b. AWNING & CANOPY SIGNS	
Definition: A sign that is printed on, painted on, or attached to an awning or canopy above a business door or window. Such signs are generally oriented toward pedestrians on the opposite side of the road. 	Regulations: i. Sign lettering or logos shall comprise no more than 30% of the total exterior surface of an awning or canopy. The exterior surface shall consist of the face plus the top of the awning. ii. Awnings or canopies with back-lit graphics or other kinds of interior illumination are prohibited. iii. The total sign area of all Wall, Awning and Canopy, Plaque, and Permanent Banner Signs for each tenant space may not exceed the limits in Article 19. iv. The lettering and logo shall be located on the valance portion of the awning.

c. PROJECTING SIGNS	
Definition: A sign that is affixed to the face of a building or structure that projects in a perpendicular manner from the wall surface of a building.  	Regulations: i. Projecting signs shall not be mounted above the second floor window sill in multi-story buildings. ii. Projecting signs shall be small in scale and provide a minimum vertical clearance of 8 feet between the lowest point of the sign and the sidewalk. iii. The entire sign area of the projecting sign shall fit inside an imaginary rectangle with a maximum area of 5 square feet. iv. Mounting hardware shall be an integral part of the sign design. v. Marquee Signs are a form of projecting sign. A marquee sign is only permitted in conjunction with a theatre, cinema, or performing arts facility, and the sign may indicate the facility's name and a changeable copy portion of the sign highlighting current and future attractions. The permitted area of a Marquee Sign shall be determined by the Planning Commission.

d. HANGING SIGNS	
Definition: A hanging sign is similar to a projecting sign, except that it is suspended below a marquee, awning or canopy. Hanging signs are smaller than projecting signs due to their lower mounting height.  	Regulations: i. Hanging signs shall fit within an imaginary rectangle with a maximum area of 4 square feet (excluding supporting rods, chains, or similar hangers). ii. Hanging signs shall maintain a minimum vertical clearance of 7.5 feet between the lowest point of the sign and the sidewalk.

e. WINDOW SIGNS

Definition: A window sign is painted, posted, displayed, or etched on an interior translucent or transparent surface, including windows or doors.



Regulations:

i. Window signs shall not exceed 15% of the first floor window area so that visibility into and out of the window is not obscured.

ii. Sign copy shall not exceed 8 inches in height.

iii. Window signs should be applied directly to the interior face of the glazing or hung inside the window to conceal all mounting hardware and equipment.

iv. Paper signs are prohibited.

f. PLAQUE SIGNS

Definition: A plaque sign is a small version of a wall sign that is attached to surfaces adjacent to store entries or tenant entries.



Regulations:

i. Plaque signs shall fit into an imaginary rectangle with a maximum area of 2 square feet. The total sign area of all Wall, Awning and Canopy, Plaque, and Permanent Banner Signs for each tenant space may not exceed the limits in Article 19.

ii. Plaque signs may project a maximum of 3 inches from wall surfaces.

g. RESTAURANT MENU SIGNS

Definition: A restaurant menu sign is a sign that incorporates a menu for the restaurant. The purpose of restaurant menu signs is to assist customers in finding a restaurant they would like to patronize.



Regulations:

i. The maximum area for menu signs is 6 square feet (not including the display box).

ii. Menu signs shall be located in a permanently mounted display box on the surface of the building adjacent to the entry. The maximum depth of the display box shall be six (6) inches.

h. MONUMENT SIGNS	
Definition: A freestanding sign. Monument signs are typically used for a building or series of buildings that are separated from adjacent roads by substantial setbacks.  	Regulations: i. The maximum area for a monument sign is 32 square feet. ii. The maximum height for a monument sign is 8 feet. iii. Monument signs shall be oriented towards a primary road, and shall be set back a minimum of 5 feet from the right-of-way of any primary or interior road. iv. Monument signs shall be constructed out of decorative materials that complement the design of principal buildings within the development. Natural materials such as stone, decorative masonry, wood, or metal are preferred. v. Low level landscaping shall be provided around the base of the sign, but shall not obscure any part of the sign message.

i. TENANT DIRECTORY SIGNS

Definition: A tenant directory sign is used to identify tenants and businesses in a multi-tenant building, often for tenants that do not have direct frontage on a public road. Such tenants may be located in second story space, or in portions of the building that do not front on a road. Tenant directory signs are oriented toward the pedestrian.



Regulations:

i. The size of a tenant directory sign shall depend on the number of tenants, based on a maximum of 0.5 sq. ft. per tenant, and a maximum sign area of twelve (12) square feet.

ii. Tenant directory signs shall be mounted flat against a solid wall proximate to a common building entrance serving tenants listed on the directory sign, or on a freestanding sign located on the property on which the tenants are located.

iii. The maximum height for a freestanding tenant directory sign shall be 6 feet.

iv. Tenant directory signs may include the following: building or project name, project logo, address, business tenant names, and suite numbers or letters.

j. A-FRAME SIGNS

Definition: A-Frame signs are designed to stand on their own either on private or public property. Such signs are portable and are usually placed along public sidewalks to attract pedestrians to adjacent businesses.



Regulations:

i. A-frame signs may have a maximum area of 6 square feet. The sign area is calculated on one side only.

ii. A-frame signs may only be located in the frontage or furnishings areas of the pedestrian area on an interior road. Such signs may not be located in the walkway or edge areas of the pedestrian area.

iii. A-frame signs may not be permanently affixed to any object, structure, or the ground.

iv. A-frame signs may only be displayed during business hours, and shall be removed when the business to which they are accessory is closed.

v. Each ground floor business with frontage on an interior road may have one A-frame sign. The sign must be located adjacent to the business to which it is accessory Businesses without ground floor frontage may not have an A-frame sign. .

k. PERMANENT BANNER SIGNS	
Definition: Permanent banner signs often help to add interest and color to blank facades and special buildings. They are vertically oriented and compatible with the overall character and color of the building.  	Regulations: i. Permanent banners may project a maximum of 36 inches from the face of the building. ii. Permanent banner signs shall be mounted on metal brackets, and shall be designed appropriate to the architectural character of the building. iii. The maximum size of each permanent banner shall be sixty (60) square feet. The total area of all Wall, Awning and Canopy, Plaque, and Permanent Banner Signs for each tenant space may not exceed the limits in Article 19. iv. Fabric awnings shall be replaced when torn, or when the Planning Director determines that they are excessively faded or soiled...

7. Sign Area. Any one building or tenant space within a building may have multiple types of signs. For example, a store can have a wall sign, a projecting sign, and an A-frame sign.

   No sign may exceed the maximum area permitted for that type of sign by Article 19, and the total sign area of all Wall, Awning and Canopy, Plaque, and Permanent Banner Signs for each tenant space may not exceed the following:

Table 19.2: Maximum Permitted Sign Area

Premises Frontage (in feet) (frontage on either a road or sidewalk, as appropriate)	Maximum Permitted Sign Area (in square feet)
Less than 10	15
10 – 19.9	30
10 – 39.9	42
40 – 59.9	64
60 – 99.9	86
100 or more	100

On a corner lot each frontage shall be treated separately.

8. Political Signs. Political signs shall be subject to the applicable requirements of Article 30.

9. Clear Vision Area. Signs shall comply with the clear vision requirements at intersections, as specified in Article 6.

M. Sidewalks and Sidewalk Displays

1. Sidewalk Width and Location. Sidewalks shall be provided in accordance with the Commerce Charter Township Code.

2. Driveway Crossings. When a sidewalk crosses a driveway or shared driveway, the driveway or shared driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway or shared driveway to indicate that pedestrians have the right-of-way.

3. Sidewalk Displays. Sidewalk displays shall be permitted directly in front of an establishment provided at least five (5) feet of clearance is maintained along pedestrian circulation routes.

   a. Display cases shall be located against the building wall and shall not be more than two (2) feet deep. The display area shall not exceed fifty (50%) percent of the length of the storefront.

   b. Display cases shall be permitted only during normal business hours, and shall be removed at the end of the business day. Cardboard boxes shall not be used for sidewalk displays.

   c. Sidewalk displays shall maintain a clean, litter-free and well-kept appearance at all times and shall be compatible with the colors and character of the storefront from which the business operates.

N. Mechanical Equipment

1. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be thoroughly screened from view from the public right-of-way and from adjacent properties, by using walls, fences, roof elements, penthouse-type screening devices or landscaping.

O. Access Management.

Access is a means to provide vehicular entrance to or exit from a parcel. Access Management means controlling vehicular access so as to balance the need to provide reasonable access to property with the need to maintain safety, capacity and speed on the adjoining road. Access management is necessary to preserve the capacity of primary roads, encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements, and to improve safety and reduce the potential for crashes.

The road system in the Town Center Overlay District consists of the primary road system (Martin Road, Martin Parkway, Welch Road, Pontiac Trail, Oakley Park, and Haggerty Road) and the secondary road system that must be developed to distribute traffic from lots or parcels to the primary road system. Secondary roads are roads that provide access to abutting properties and which connect development roads, other secondary roads, and local roads to the primary roads.

The following access management provisions shall apply to primary roads:

1. The number of access points shall be the fewest needed to allow motorists reasonable access to the site.

2. Provision shall be made to share access with adjacent uses. Shared access easements and maintenance agreements are required. Easements and a 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.

3. Where a lot or parcel fronts on a primary and secondary road, access shall be via the secondary road, unless there is no other practical alternative.

4. Driveways and shared driveways shall be separated from other driveways and shared driveways along the same side of a primary road the distances specified in Article 19 (measured from centerline to centerline) based on the posted speed limit.

Table 19.3: Minimum Spacing between Driveways Located on the Same Side of a Primary Road

Posted Speed (mph)	Driveway Spacing (in feet)
25	130
30	185
35	245
40	300
45	350
50+	455

P. Street Cross Section

Streets in the Town Center Overlay District shall consist of three basic elements: the travelway area, the parking area, and the pedestrian area. The elements that are included in each street are described as follows (see Figures below):

1. The **vehicle travelway area** consists of vehicle travel lanes, left turn lanes, and medians (for boulevards).

2. The **parking area** consists of vehicle parking lanes, and public transit elements. While transit elements are not required on interior streets, transit elements can be accommodated in the parking area if transit is available in the Town Center District. Transit facilities would be accommodated by replacing some parking spaces with transit stops.

3. The **pedestrian zone** consists of the area between the edge of the right-of-way or road easement and the curb. The pedestrian zone is separated into 4 sub areas:

   a. The *edge area* is the space adjacent to and including the curb. The edge area is necessary to allow the doors of cars parked along the street to open and close freely, and must remain clear of obstructions for a minimum width of 2.5 feet (30 inches).

   b. The *furnishings area* accommodates amenities such as street trees, planters, and sidewalk furniture. Outdoor eating areas or other similar uses associated with a use in a principal building may be located in the furnishings area. Some street templates do not include a furnishings area. Outdoor accessory uses are not permitted on the sidewalk on streets that do not include a furnishings area.

   c. The *walkway area* is the basic sidewalk area where pedestrians walk. The walkway area must remain clear of obstructions to pedestrian travel. No permanent structures or uses are permitted in the walkway area. Street trees shall be planted in tree grates in the walkway area when the pedestrian area does not contain a furnishings area.

   d. The *frontage area* is the portion of the walkway adjacent to the edge of the right-of-way or road easement. This is the area of the sidewalk that is closest to the building. The frontage area is intended to accommodate door openings and window shoppers. The frontage area may also be used for outdoor eating areas or other similar accessory uses associated with a use in a principal building.

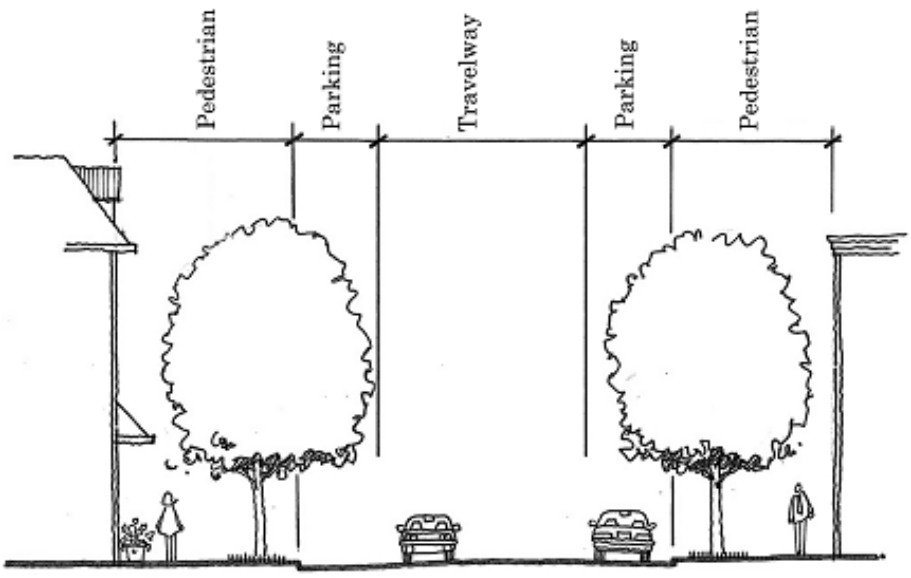


Figure 19.2 – Street Areas

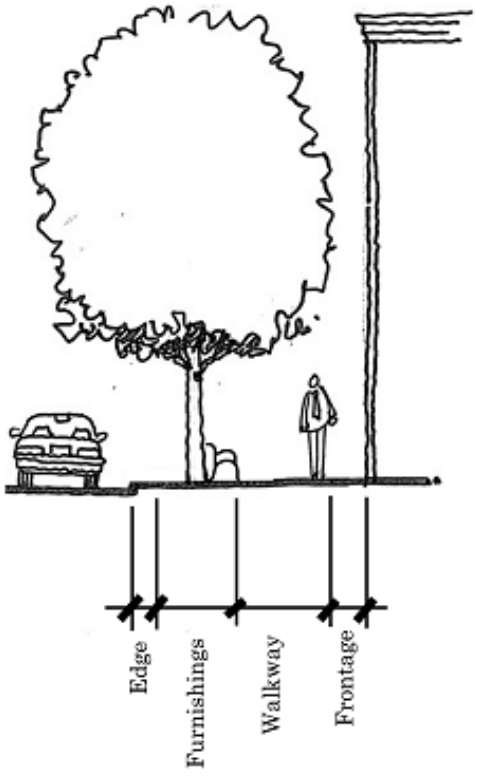


Figure 19.3 – Pedestrian Areas

Q. Pedestrian Pass-Throughs

1. When parking is located behind buildings, one pedestrian pass-through may be proposed by the applicant or required by the Planning Commission for every 450 feet of frontage along a block face.

2. Pedestrian pass-throughs shall have a minimum width of eight (8) feet, be designed so they cannot be enclosed or locked, and shall be designed to be safe and visually interesting for pedestrians. Lighting shall be sufficient to maintain a minimum light level of one footcandle measured one foot above grade level.

R. Streetscape Improvements

The following improvements shall be required along secondary roads, subject to the specifications in the Township's streetscape design manual:

Streetscape Element	Preferred Location
Street lights	Pedestrian zone
Trash receptacles	Frontage area of the pedestrian zone
Bicycle racks	Adjacent to the edge area in the pedestrian zone
Benches	Furnishings area of the pedestrian zone
Street trees	Furnishings area of the pedestrian zone

S. Security Gates

Solid metal security gates or solid roll-down metal windows shall be prohibited. Link or grill type security devices shall be permitted only if installed on the inside, within the inside only window or door frames. Security grills shall be recessed and concealed during normal business hours. Models that provide a sense of transparency, in light colors, are encouraged. Security devices fastened to the exterior walls are prohibited.

T. Multiple Family Development Standards

Multiple family developments in the TC District shall comply with the applicable standards in Article 26.

SECTION 19.06. Area, Height, Bulk, and Placement Requirements

The following chart summarizes the regulations in Article 19, but the user is cautioned to refer to Article 19 for more detailed information and explanatory notes.

Minimum Lot Area	None specified
Minimum Lot Width	None specified
Maximum Height	4 stories, 56 feet - See footnote (a)
Setbacks	
Front (b)	Minimum: five (5) feet/ Maximum: fifteen (15) feet
Side	See footnote (c)
Rear	
Maximum Density of Multiple Family Development	See Article 6

Table Notes

(a) The maximum height for hotels shall be five (5) stories.

(b) The required front setback for attached residential developments shall be:
Minimum: five (5) feet
Maximum: thirty-five (35) feet

(c) The minimum side and rear yard setback and minimum lot size shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the exclusive use of residents on the site.

SECTION 19.07. Site Plan Review

Site plan review and approval is required for all uses in accordance with Article 35.

ARTICLE 20

CV, COMMERCE VILLAGE OVERLAY DISTRICT

SECTION 20.01. Statement of Purpose

The intent of the CV, Commerce Village Overlay District is to establish optional architectural guidelines and review procedures that will:

1. Help maintain the pedestrian scale and visual harmony of the Commerce Village, Byers Homestead, Dodge Park V and Mill Site as a whole;
2. Maintain and enhance the economic vitality of Commerce Village Overlay District;
3. Provide a unified streetscape design plan;
4. Preserve the architectural integrity of individual significant buildings; and
5. Enhance the entrances into such historic districts.

SECTION 20.02. Applicability of Overlay Zoning Concept

The Commerce Village Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district shown on the Zoning Map. In the Commerce Village Overlay District, the property is placed simultaneously in the two zones, and a property owner may elect to develop his/her property under the underlying zoning or under the applicable conditions and requirements of the Commerce Village Overlay District.

If a property owner elects to comply with the Commerce Village Overlay District, then existing uses shall maintain conformity with underlying zoning standards, but any expansion, redevelopment, or new development may elect to conform to the Commerce Village Overlay District standards. In the event there is a conflict between the requirements of the two zones, the requirements of the Commerce Village Overlay District shall govern. By way of example, the Overlay District standards shall supersede the minimum setback regulations, sign standards, and off-street parking standards in the Zoning Ordinance. However, the provisions of the Michigan Building Code shall take precedence, when in conflict with the Overlay District.

The design of community buildings and improvements shall be subject to the specific standards of this section, and shall be subject to review by the Planning Commission and Historic District Study Committee.

SECTION 20.03. Creation of Commerce Village Overlay District Boundaries

The Commerce Village Overlay District boundaries shall be established on the Official Zoning Map. The Commerce Village Overlay District shall be established or amended according to the Zoning Ordinance amendment procedures in Article 3.

SECTION 20.04. Permitted Uses and Structures

A. Principal Uses and Structures

In the CV, Commerce Village Overlay District, no building or land shall be used and no building shall be erected except for one or more of the uses specified in the underlying zoning district, unless otherwise provided for in this Ordinance.

B. Special Land Uses Permitted

The special land uses listed in the underlying zoning districts may be permitted by the Planning Commission under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and Township.

SECTION 20.05. Design Review Procedures

Petitioners wishing to utilize the Overlay District option shall follow the review and approval procedures outlined below:

A. **Application Submittal.** The person or firm proposing any construction, reconstruction, demolition, moving or alteration within the Overlay District shall file an application for design review with the Planning Department.

B. **Information Required.** Depending upon the nature and scale of the proposed activity, any or all of the following information may be required for review: architectural plans, site plans, landscape plans, signage plans, exterior lighting plans, façade elevations of all sides of the structure with information about exterior materials, design of doors and windows, ornamentation, exterior colors, photographs or perspective drawings indicating the visual relationship of the proposed structure to adjoining structures and spaces, and such other exhibits and reports as are deemed necessary by the Planning Director and/or the Planning Commission.

C. **Historic District Study Committee Review and Recommendation.** The application shall be transmitted to the Historic District Study Committee ("HDSC") which shall review any project that is subject to site plan review, special land use review, rezoning, conditional rezoning and/or Planned Unit Development. The HDSC shall forward its recommendation within thirty (30) days of the receipt of an application and shall conduct its review based on the Zoning Ordinance requirements and its knowledge of the historical facts as they relate to site layout, design and compatibility with adjacent land uses. In reviewing such applications, the HDSC shall apply the standards and guidelines as contained in this section. The recommendation of the HDSC shall be forwarded to the Planning Commission for the Commission's information prior to their review and approval of said project.

D. Planning Commission Review. The application shall be transmitted to the Planning Commission for design review and site plan review, if required, pursuant to Article 35. The Planning Commission is authorized to take the following action with respect to design review:

- Approve.
- Disapprove.
- Approve the application subject to such conditions as may be warranted.

E. Issuance of Building Permit. Following action by the Planning Commission, the design review application shall be transmitted along with the approved plans and materials to the Building Department, and a Building Permit shall be issued so long as all other applicable codes and provisions of the Commerce Charter Township Code have been met. A building permit shall not be issued until the design review application has been appropriately approved.

SECTION 20.06. Design Standards

A. Design Objectives

1. For construction of new buildings or expansion of existing buildings in the Overlay District, the design review standards shall be applied so as to insure the compatibility of the new construction with the existing character of the street, with emphasis placed on pedestrian safety and accommodation of pedestrians.

2. For reconstruction and/or remodeling of structures within the Overlay District, the design review standards shall be applied so as to guide and encourage rehabilitation in line with the original character of the structure and to encourage a scale and design that relates to pedestrians.

B. Basis for Design Standards

The design standards set forth in this article are based on four sources as follows:

1. The Secretary of Interior's Standards for Rehabilitation, which are designed for the actual building. The Secretary of Interior's Standards are best suited for older buildings that may be considered historic sites.

2. The Commerce Village and Mill Site Development Plan, which is focused more on the site itself, rather than the actual building. These standards are designed to emphasize the parking-pedestrian-building relationship in an attempt to recreate a village atmosphere.

3. The Charter Township of Commerce Site and Architectural Design Manual, which is designed for both old and new properties.

4. Research of other communities and publications for standards of design that are meant to be given consideration in historic preservation.

C. Secretary of the Interior's Standards for Rehabilitation

1. **Appropriate Use.** Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use the property for its originally intended purpose.

2. **Retaining Distinguishing Features.** The distinguishing original qualities of 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 shall be avoided whenever possible.

3. **Structures Are Products of Their Own Time.** 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 be discouraged.

4. **Changes in the Course of Time.** 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.

5. **Stylistic Features and Skilled Craftsmanship.** Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure, or site shall be treated with sensitivity.

6. **Repair or Replacement of Architectural Features.** Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication 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.

7. **Contemporary Design for Alterations and Additions**. Contemporary design for alterations and additions to existing properties shall not be discouraged 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 the environment.

8. **Preserving the Essential Form of the Structure.** Wherever possible, 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.

D. The Commerce Village and Mill Site Development Plan Standards

1. **Sidewalks.** All commercial and residential buildings shall have a concrete sidewalk along the front leading to the main building entrance.

2. **Exterior Lighting.** Pedestrian-scale period lighting shall be located at 75 to 80-foot intervals along the road throughout Commerce Village, or at such other interval as is deemed appropriate for the type of fixture being used. Fixtures shall not exceed twenty (20) feet in height.

3. **Parking.** Parking shall be located on the side or in the rear of commercial buildings. Parking shall be screened from view by use of landscaping or a combination of landscaping and a brick wall. In determining compliance with parking standards, the Planning Commission may give credit for road improvements by the applicant that provide for on-street parking.

E. The Charter Township of Commerce Site and Architectural Design Manual Standards

1. **Architectural Variety.** Buildings shall possess architectural variety and shall enhance the cohesiveness of the historic village.

2. **Windows.** The first floor of front commercial facades shall include at least thirty percent (30%) windows. In order to promote viewing of displayed merchandise by pedestrians, there shall be no reflective glass. No more than twenty percent (20%) of the windows shall be blocked by signs or neon lights. The size, shape, orientation and spacing of the windows shall complement the design of buildings on adjacent lots. Windows shall be architecturally significant, enhanced with such details as pediments, moldings and awnings, where appropriate.

3. **Mass and Proportion of Structures.** The mass and proportion of structures shall be similar to structures on adjacent lots and on the opposite side of the road. The scale of larger buildings shall be addressed by varying roof and building lines to provide a series of smaller scale sections which are individually similar in mass and proportion to surrounding structures.

4. **Corner Lot Buildings.** Buildings on corner lots shall provide distinct and prominent architectural features and site elements which reflect the importance of the building's location and create a positive visual landmark.

5. **Rear Entrance Facades.** Rear entrance facades shall be of finished quality and constructed of the same materials as the front façade. With parking located to the rear of the building, the rear façade serves many of the same functions as the front façade, foremost providing a pleasing entrance for customers.

6. **Building Materials.** The use of high quality building materials with the appearance of permanence and substance is required. Use of brick, stone, and other high quality, durable materials is encouraged. Synthetic materials, such as EIFS, bare metal, metal panels, Dryvit, plastic, imitation brick or stone, and

mirrored or reflective glass shall be utilized only as minor design elements and not as a primary construction material.

7. **Color.** Colors shall be harmonious and only compatible accent colors shall be used. Loud, gaudy, or fluorescent colors are discouraged.

8. **Roof Shape.** Buildings with pitched roofs and asphalt shingles are encouraged. Flat roofed buildings may be approved provided they follow the typology of style of a traditional downtown, two (2) story commercial or multi-use buildings with a minimum of fifty percent (50%) glass storefront windows on the first floor, recessed entries, a distinct design which clearly indicates the presence of a second story via second story windows, a brick course, first floor awning, first floor sign band, etc.

9. **Awnings.** Use of decorative or functional awnings shall be encouraged to enhance storefront appearance and provide shelter and shade for pedestrians. Awnings shall be constructed of quality materials; their colors shall complement and enhance the appearance of the overall building.

10. **Building Entrance.** The façade design shall relate to the dominant residential character of the Township so businesses fit into the fabric of the road. Recessed entries are encouraged, as they offer protection from the elements and a more intimate sense of entry to the building. Front entrances shall always be accessible from a sidewalk.

11. **Parking.** Parking shall be in a rear or side yard. Parking lots shall be designed to avoid large masses of paved surface. Landscaped islands shall be used to improve the appearance of a parking lot.

12. **Sidewalks.** Sidewalks shall be provided in accordance with the Commerce Charter Township Code.

13. **Street Trees.** Street trees shall be planted at no greater than forty (40) feet on-center in the greenbelt between the road edge and the sidewalk.

F. Additional Standards

1. **Principal Entrances.** All buildings shall have their principal pedestrian entrances in the front, accessible from a sidewalk.

2. **Signs**. Signage shall be integrally designed with the building architecture. Signs shall conform to the standards in Article 30. In addition, a pedestrian scale sign is permitted to be located on a wall or an awning, with a maximum area of four (4) square feet. On multi-tenant buildings, a sign plan shall be provided that illustrates the colors, locations, measurements, and lighting of all signs.

3. **Landscaping**. Landscaping shall conform to the requirements specified in Article 29.

4. **Parking.** Up to fifty percent (50%) of the parking spaces may be reduced to nine (9) feet in width by eighteen (18) feet in length to reduce the amount of land area that must be used for parking.

5. **Awnings.** Awnings shall be permitted on buildings as follows:

   a. Construction. All awnings must be made from canvas fabric or similar waterproof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the façade, and only if the design and materials are consistent with the overall design of the building.

   b. Attachment to Building. All awnings shall be attached directly to the building, rather than supported by columns or poles.

   c. Design. Awnings shall be traditional in design; they shall be triangular in section, sloping outward and down from the top of the opening. Narrow front and side flaps are common. Round-top, half-round, box, or other unusual awning shapes are discouraged. Internally lighted awnings are prohibited. There shall be a minimum of clearance of eight (8) feet between the sidewalk and the lowest part of the awning.

   d. Maintenance. Awnings shall be maintained on a regular basis. Fabric awnings shall be replaced when torn, faded, or excessively soiled.

6. **Collective Provision of Off-Street Parking.** Off-street parking requirements for separate buildings or uses may be satisfied collectively subject to the following conditions:

   a. The total number of spaces provided collectively shall not be less than the sum of spaces required for each separate use; however, the Planning Commission may reduce the total number of required spaces upon making the determination that the parking demands of the uses being served do not overlap.

   b. Each use served by collective off-street parking shall have direct access to the parking without crossing roads.

   c. Easements and a maintenance agreement are required. Easements and a 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.

7. **Detention Pond Landscaping.** All detention ponds or similar stormwater management facilities (including bioswales, rain gardens, sediment basins, and

similar facilities) shall be designed to have a natural appearance incorporating natural looking grading contours and native plant materials whenever possible. Detention pond landscaping shall comply with the following requirements:

a. Clusters of large 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.

b. 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.

c. One canopy deciduous tree (e.g., oak, maple, etc.) shall be planted for every fifty (50) linear feet measured along the freeboard elevation of the pond.

d. Detention ponds shall be planted with native grasses having a minimum height of 24 inches or detention pond seed mix to discourage use by waterfowl 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.

e. 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.

SECTION 20.07. Area, Height, Bulk, and Placement Requirements

The following chart summarizes the area, height, bulk, and placement requirements in Article 20, but the user is cautioned to refer to Article 20 and Article 6 for more detailed information and explanatory notes.

Minimum Lot Area	Based on the underlying zoning district
Minimum Lot Width	Based on the underlying zoning district
Maximum Height	Residential: 35 feet, 2 ½ stories Commercial: 35 feet, 2 stories
Setbacks – Commercial Uses	
Front, measured from the front property line	Minimum: ten (10) feet Maximum: fifteen (15) feet
Side	See footnote *(a)*
Rear	Based on the underlying zoning district
Setbacks – Residential Uses	
Front, Side and Rear	Based on the underlying zoning district

Table Notes

(a) The minimum side yard is zero (0) if the side building elevation has no windows, subject to Fire Department approval. The minimum side yard is four (4) feet if the side building elevation has windows.

SECTION 20.08. Site Plan Review

A site plan shall be submitted for review by the Planning Commission as set forth in Article 35 before the issuance of a building permit and before any building construction or development, except for construction of one (1) single-family home for location on a lot in a previously approved subdivision or plat, a previously approved acreage parcel, or a previously approved site condominium.

m:\ctc\zoning ordinance\current ordinance\article 20 - commerce village overlay.doc

ARTICLE 21
O, OFFICE

Preamble

The O Office District is designed to accommodate office uses, office sales uses and basic personal services, particularly larger planned office complexes and office centers, and offices that may be used as zones of transition between nonresidential uses and residential uses.

SECTION 21.01. Principal Uses Permitted

In the O Office District no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, insurance, real estate and sales, subject to the limitations contained in Article 21.

B. Offices for health care professions such as doctors, dentists and allied professions including clinics. In addition small animal veterinary clinics are permitted provided all overnight patients are boarded within a wholly enclosed building. Boarding of animals not directly related to short term convalescence shall be prohibited.

C. Retail businesses normally associated with and complementary to an office district, e.g., stationary shops, office supplies, and office machine repair, so long as there is no entrance and exit directly to the outside of the building to and from such retail businesses. This provision shall not be construed to allow retail uses such as jewelry stores, etc.

D. Banks, credit unions and similar financial institutions excluding drive in facilities. Automatic teller machines located outside of a building or as a freestanding use shall be allowed provided adequate screening is provided to shield neighboring residential uses from the lights and vehicle noise of patrons of the use.

E. Funeral homes subject to the requirements in Article 26.

F. Child or adult day care center or child caring institution subject to the requirements in Article 26.

G. Any service establishment of an office, showroom, or workshop nature of a decorator, dressmaker or tailor, provided that no more than five (5) persons shall be employed on the site at any time. The gross floor area of any and all buildings dedicated to the use shall not exceed three thousand (3,000) square feet.

H. Accessory buildings and accessory uses customarily incidental to any of the above principal permitted uses.

I. Except in the TC, Town Center Overlay District, uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 21.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission under the purview of Article 34, after site plan review and a public hearing, and subject to other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and Township:

A. Drive-in facilities for banks, credit unions, and similar financial institutions.

B. Accessory buildings and accessory uses customarily incidental to any of the above special land uses permitted.

C. Except in the TC, Town Center Overlay District, special land uses determined to be similar to the above special land uses in accordance with the criteria set forth in Article 26**.**

SECTION 21.03. Required Conditions

All uses shall be subject to the following conditions:

A. The outdoor storage of goods or materials shall be prohibited whether or not they are for sale.

B. Warehousing or indoor storage of goods or material, beyond that normally incidental to the above permitted uses, shall be prohibited**.**

C. Illumination of the business, and all light from vehicular and loading traffic, shall be controlled or screened so that no direct light shall be visible from adjacent residential districts**.**

SECTION 21.04. AREA, HEIGHT AND BULK REQUIREMENTS

See Article 6, Summary of Development District Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

m:\ctc\zoning ordinance\current ordinance\article 21 - office.doc

ARTICLE 22

TLM, TECHNOLOGY & LIGHT MANUFACTURING DISTRICT

Preamble

The purpose of the TLM, Technology & Light Manufacturing District is to provide an environment where technology uses and functions such as engineering, design, research and development, photonics/optics, computer assisted design, robotics research, numerical control equipment, prototype development, biotechnology, lasers, and medical research can be located; and where materials testing, telecommunications, and light manufacturing and industrial operations including storage, warehousing and assembly operations can be located. Advances in industry and technology have created uses which are related to industrial and office uses, but may not be appropriate or function adequately in other districts. These uses are more intensive than traditional office uses with laboratories and testing, but they are less intensive than traditional industrial uses. To encourage TLM, Technology Light Manufacturing development, districts must be attractive with buffering between individual properties and designed in a manner that is consistent with the planned character for these areas.

SECTION 22.01. Principal Uses Permitted

In the TLM, Technology & Light Manufacturing District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance.

A. Laboratories, offices and other facilities for basic and applied research, experimentation, testing, product design, technology development, consulting and business development.

B. Business schools and training facilities.

C. Office buildings, including, but not limited to any of the following businesses: executive; administrative; professional; accounting; engineering; planning; architecture; drafting; writing; clerical; stenographic; and sales provided that no display shall be visible from the exterior of the building, and that such sales shall be clearly incidental to the principal office use in the determination of the Planning Commission.

D. Medical offices, clinics research, and medical supply facilities, including auxiliary or accessory laboratories. Such uses may include sports medicine, medical wellness, physical therapy, physical medicine, and similar facilities. Substance abuse (drugs and alcohol) treatment facilities, and facilities principally for emergency services or that provide 24 hour services shall not be permitted.

E. Data processing and computer centers, including service and maintenance of electronic data processing equipment.

F. Any use charged with the principal function of research in the area of photonics/optics, robotics, and electronic equipment.

G. A high technology service use, which has as its principal function the providing of services including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services.

H. A high technology manufacturing use, which has as its principal function prototype development in limited quantities. Such uses may include but are not limited to agricultural technology; biological or pharmaceutical research; software technology; telecommunications; biomedical technology; machine flow control, fluid transfer and fluid handling technology; plastic molding; defense and aerospace technologies; or other technology oriented or emerging industrial or business activity. Permitted high technology manufacturing uses shall not include heavy industrial, heavy stamping operations, or any manufacturing from raw unprocessed materials.

I. Engine product research, fluid transfer and handling product research, development, engineering, design, testing, and related office, sales and administrative uses.

J. Research, development, engineering, and design, of high-technology equipment, including equipment involved in any high technology manufacturing activity as permitted in Section 22.01.A, instrumentation or associated computer software.

K. Publicly owned and operated buildings and facilities, such as fire stations.

L. Accessory buildings, structures and uses customarily incidental to the above permitted uses, subject to the following:

    1. Accessory storage of products and materials necessary to the permitted operation may be provided within the building. Outdoor storage shall be prohibited without special land use approval, as specified in Section 22.02 below.

    2. Child care centers, recreation and fitness facilities, cafeterias, health care services, financial services and similar uses may be permitted as accessory uses, if such uses are located wholly within the principal building (except for outdoor recreation and fitness facilities), conducted for the convenience of the employees of the principal use and have no exterior advertising or displays.

M. Uses determined to be similar to the above principal permitted uses in accordance with the criteria set forth in Article 26 and which are not listed below as special land uses.

SECTION 22.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, under the purview of Article 34.03, after site plan review and public hearing, and subject further to such other reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the health, safety, general welfare, morals and comfort of the abutting property, neighborhood and Township:

A. Printing and publishing.

B. Testing facilities for prototype products and other outdoor facilities used for training employees in activities applicable to the permitted use. Such facilities shall be completely screened from adjacent properties and road rights-of-way.

C. Institutional uses.

D. Retail uses, which in the determination of the Planning Commission, are incidental and complementary to the principal technology and light manufacturing uses, including business services such as printing, copying and mailing.

E. Restaurants or other places serving food and/or beverages without open front windows, drive-ins or drive through service, and located within a building containing one or more principal uses.

F. Banks, credit unions and other similar financial services.

G. Public utility transformer stations, substations and gas regulator stations without service or storage yards. Such uses shall be required to provide a front yard setback of not less than fifty (50) feet, irrespective of the yard requirements of the district in which it is located, and two side yards and a rear yard setback of not less than twenty-five (25) feet in width each.

H. Wireless communication antennas and their accessory facilities provided the antenna is located on an existing wireless communication tower, and provided further that the antenna and facilities comply with Commerce Charter Township Code. A replacement wireless communication tower shall be allowed only in the event such tower needs to be constructed to accommodate co-location.

I. Warehouse or wholesale establishments within a wholly enclosed building.

J. Manufacturing, processing, fabricating, compounding, treatment, packaging or assembly of products except for products or processes that use or are related to the following shall be prohibited:

1. Chemicals and allied products
2. Oil and gas processing
3. Distillation of bone, tar, petroleum refuse, grain or wood
4. Corrosive acid, cement, lime, gypsum or plaster
5. Explosives, including dynamite, plastique, blasting caps, etc.
6. Fertilizer and compost
7. Animal refuse or offal, including glue, size or gelatin
8. Use steam or board hammers or forging presses
9. Tanning, curing or storage of skins or hides
10. Sulphurous, sulfuric, picric, nitric, carbolic, hydrochloric or other corrosive acid
11. Sludge processing plants
12. Metal recycling plants where scrap metal and metal products are melted

K. Accessory outdoor storage shall be limited and further subject to the following conditions:

1. Evidence satisfactory to the Planning Commission shall be provided that demonstrates the outdoor storage is essential to the permitted use and cannot be reasonably enclosed in a building.

2. Outdoor storage of raw materials, junk vehicles which are wrecked, disabled, partially assembled, worn out, abandoned or incapable of movement, waste materials, parts, and similar items shall be prohibited.

3. All outdoor storage areas shall be completed screened on all sides by a decorative masonry wall which complements the main building or a landscaped berm that will completely screen the storage area within three years of planting. The wall or berm shall be a minimum of six feet in height or the height of the stored materials, whichever is greater. But in no instance shall the materials stored outdoors exceed eight feet in height.

4. Outdoor storage shall only be permitted in the rear yard and shall not encroach into any required rear or side yard setback.

5. Outdoor storage shall be stored in manner that ensure it will not spill, blow, leak or otherwise leave the outdoor storage area and encroach on other areas of the permitted use or adjacent properties. Tarps or other non-permanent coverings shall be prohibited.

L. Vehicle repair establishments including engine repair, body repair and painting, exhaust system repair, tire replacement, glass repair, transmission repair, when operated in a completely enclosed building and meet the requirements of Section 26.303.

SECTION 22.03. Area, Height and Bulk Requirements

See Table 6.01, Summary of Development District Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

ARTICLE 23

I, INDUSTRIAL DISTRICT

Preamble

The I, Industrial District is designed to accommodate manufacturing, assembling and fabrication activities, wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I, Industrial District is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared and raw materials.

The general goals of this use District include:

1. To provide sufficient space, in appropriate locations, to meet the needs of the Township's expected future economy for various types of manufacturing and related uses.

2. To protect abutting residential districts from detrimental impacts from industrial uses by separating residential uses from industrial activities, and by prohibiting the use of industrial areas for new residential development.

3. To promote manufacturing development which is free from the danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.

4. To promote the most desirable use of land in accordance with a well considered plan. To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the Township's tax revenue.

SECTION 23.01. Principal Uses Permitted

In the I, Industrial District no building or land shall be used and no building shall be erected except for one or more of the uses listed in the following Table of Permitted Uses, unless otherwise provided for in this Ordinance.

Section 23.01 **Table of Permitted Uses**			
Use	***P***=Principal Permitted Use ***SP***=Special Land Use		**Conditions**
The manufacturing, compounding, assembling, packaging, or treatment of articles or merchandise from previously prepared materials.	***P***		
Food and kindred products processing.	***P***		
Breweries, distilleries, wineries, and soft drink bottling.	***P***		
Textile mills and apparel production.	***P***		
Wood products manufacturing, including furniture manufacturing.	***P***		
Printing and publishing.	***P***		
Rubber and plastic product manufacturing.	***P***		
Leather and leather product manufacturing.	***P***		
Glass, clay and stone product manufacturing.	***P***		
Fabricated metal product manufacturing, including tool and die shops.	***P***		
Industrial machinery and equipment manufacturing.	***P***		
Electronic equipment manufacturing.	***P***		
Vehicles and transportation equipment manufacturing.	***P***		
Laboratories and research, testing, design, technical training, and experimental product development facilities.	***P***		
Water supply and sewage disposal plants.	***P***		
Building material storage and sales, provided that such uses located within the boundaries of the Downtown Development Authority shall not have outdoor storage.	***P***		

Section 23.01 **Table of Permitted Uses**			
Use	***P***=Principal Permitted Use ***SP***=Special Land Use		**Conditions**
Vehicle repair establishments, including engine repair, body repair and painting, exhaust system repair, tire replacement, glass repair and transmission repair, when operated in a completely enclosed building.	***P***		
Dry cleaning plants.	***P***		
Tennis houses, racquetball courts, ice arenas and other similar uses involving large structures of the type which can be easily converted to industrial use.	***P***		
Gas and electric service and storage buildings and yards.	***P***		
Warehousing and wholesale establishments within a wholly enclosed building.	***P***		
Self-storage warehouse facilities.	***P***		1) The entire facility must be enclosed with a fence a minimum of eight (8) feet in height; 2) the portion of the fence fronting on any public or private street, road or access easement shall be constructed of decorative masonry block or brick extending across the entire frontage and returning no less than fifty (50) feet along the intersecting sides of said enclosure, and 3) a landscaped greenbelt consisting of closely-spaced evergreens in staggered rows shall be provided whenever such a use abuts a residentially-used property. Such uses shall not be permitted within the Downtown Development Authority.
Uses determined to be similar to the above principal permitted uses in accordance with the criteria in Article 26 and which are not listed below as special land uses.	***P***		

Section 23.01 **Table of Permitted Uses**			
Use	***P***=Principal Permitted Use ***SP***=Special Land Use		**Conditions**
Furniture, appliance and household equipment repair shops, office, showroom and workshop of a plumber, electrician, decorator, upholsterer or similar trade or service business.	***P***		
A permanent efficiency-type on-site manager's apartment.		***SP***	Shall not exceed five hundred (500) square feet in total living area.
Salvage yards.		***SP***	Subject to the following conditions: 1) the site shall be entirely enclosed within an eight (8) foot high obscuring wall, 2) no such use shall be permitted within the boundaries of the Downtown Development Authority, 3) there shall be no burning on site, and 4) all industrial processes, including the use of equipment for cutting, compressing, or packaging, shall be conducted within a completely enclosed building.
Mineral and soil extraction.		***SP***	Subject to the requirements of Article 26.
Lumber and planing mills.		***SP***	Must be completely enclosed and located in the interior of the district so that no property line shall form the exterior boundary of the I District.
Metal plating, buffing and polishing.		***SP***	Provided that: 1) appropriate measures are taken to prevent noxious off-site impacts, 2) the use is completely enclosed, and 3) the use shall be located on the interior of the district so that no property line shall form the exterior boundary of the I District.
Wireless communication facilities.		***SP***	Subject to the requirements in Article 26.
Commercial dog kennels.		***SP***	Subject to the requirements in Article 26.
Septic service establishments.		***SP***	

Section 23.01 **Table of Permitted Uses**			
Use	***P***=Principal Permitted Use ***SP***=Special Land Use		**Conditions**
Electric power and heat generating plants and all accessory uses.		***SP***	
Rental space for the storage of vehicles such as travel trailers, motor homes, recreational vehicles, campers, snowmobiles, boats and similar facilities.		***SP***	Subject to the following conditions: 1) the storage shall be enclosed within a building or be completely obscured by a wall or fence on those sides abutting a public thoroughfare, 2) the extent of the wall or fence shall be determined by the Planning Commission, based on the extent of the storage, 3) the wall of fence shall be subject to the requirements in Article 29, and 4) no such use shall be permitted within the boundaries of the Downtown Development Authority.
Freight yards and terminals,		***SP***	Subject to the following conditions: 1) All access to the facility shall be provided from a major thoroughfare, as defined in the Master Plan, having a right-of-way of at least one hundred twenty (120) feet; 2) All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot wide greenbelt, and fence or decorative wall, so as to obscure from view all activities within the development. Screening shall comply with Article 29
Tractor and trucking facilities, including storage and repair.		***SP***	
Chemicals and allied products manufacturing.		***SP***	
Lumber yards, landscape, building supply yards and similar uses that involve outdoor storage.		***SP***	
Primary metal industries.		***SP***	

Section 23.01 Table of Permitted Uses			
Use	***P***=Principal Permitted Use ***SP***=Special Land Use		**Conditions**
Recycling centers.		***SP***	A recycling center shall consist of the collection, separation, and storage of recoverable household materials prior to shipment to others who will use the materials to manufacture new products
Contractor yards and storage facilities for building materials, sand, gravel, stone, lumber, equipment and supplies.		***SP***	Such facilities shall be enclosed within a building or within an obscuring wall or fence. The extent of such wall or fence may be determined based on the nature of surrounding land use. Such fence or wall shall be eight (8) feet in height. No such use shall be permitted within the boundaries of the Downtown Development Authority.
Accessory buildings and uses customarily incidental to any of the above land uses.		***SP***	
Uses determined to be similar to the above land uses in accordance with the criteria in Article 26.		***SP***	
Places of Assembly		***SP***	
Medical marihuana cultivation building		***SP***	Subject to the requirements in Article 26
Auto, carting, and snowmobile tracks		***SP***	
Aircraft operation facilities		***SP***	

SECTION 23.02. Special Land Use Conditions

Special land uses may be permitted by the Planning Commission, pursuant to Article 34, after a public hearing and site plan review, and subject to reasonable conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the public health, safety and welfare. In addition to the conditions specified in the previous Table of Permitted Uses, the following conditions apply to all special land uses:

A. **Fencing.** The need for fencing will be determined on a case-by-case basis, in consideration of the nature of the use and the character of the surrounding uses.

B. **Landscaped Screening.** If the Planning Commission requires landscaped screening, then it shall consist of closely spaced evergreens in staggered rows, augmented with other plantings for aesthetic enhancement.

C. **Performance Standards.** Any production, processing, cleaning, servicing, testing, repair or storage shall conform with the performance standards in Article 26.

SECTION 23.03. Area, Height and Bulk Requirements.

See Article 6, Summary of Development District Regulations, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

ARTICLE 24

HF, HOSPITAL FACILITIES DISTRICT

SECTION 24.01. Purpose.

The Hospital Facilities (HF) zone district is intended to accommodate the unique nature and requirements of large scale and significant medical facilities associated with a full service hospital in a manner compatible with the surrounding land uses.

SECTION 24.02. Principal Uses Permitted

In the HF Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Hospitals, when the following conditions are met:

1. All hospitals shall be developed only on sites of 30 acres or more in area.

2. All sites shall have at least one property line abutting a major thoroughfare as listed in Article 6. No more than two ingress routes shall be provided for the facility.

3. The minimum distance of any principal or accessory building or structure from any property line shall be fifty (50) feet. Principal or accessory buildings shall be setback a minimum of 110 feet from the centerline of those major thoroughfares identified in Article 6. or fifty (50) feet from the right-of-way, whichever is greater.

4. Building heights in excess of two (2) stories or thirty five (35) feet are permitted up to five (5) stories. For each foot of building height above two (2) stories or thirty five (35) feet the minimum yard requirement shall be increased one foot on all required yards.

5. Buildings shall be oriented towards the front yard (addressed) and shall have at least one other entrance which is accessible to a main parking area.

6. The area between the addressed side of the building and the closest major thoroughfare shall not exceed a maximum lot coverage including all buildings and pavement of 40%.

7. Any required yard which abuts a residentially zoned district shall have a five (5) foot high landscaped berm which contains a minimum of a double row, ten (10) feet apart, of upright coniferous evergreens, six feet in height (minimum), twenty (20) feet on center, staggered ten (10) feet on center.

8. Parking areas located in a yard adjacent to a public right-of-way shall be setback a minimum of fifty (50) feet from the right-of-way. Parking areas adjacent to a major thoroughfare identified in Article 6 shall be setback a minimum of 110 feet from the centerline of those major thoroughfares or fifty (50) feet from the right-of-way, whichever is greater.

9. The required parking setback along adjacent rights-of-way shall be landscaped with the following elements:

    a. An undulating berm a minimum of 36" in height;
    b. One (1) deciduous canopy or evergreen tree per 25 linear feet of frontage;
    c. One (1) shrub-like tree per 25 linear feet of frontage;
    d. Six (6) shrubs per 25 linear feet of frontage.

10. Ambulance and delivery areas shall be obscured from all adjacent residentially zoned districts with a decorative masonry wall at least six (6) feet in height. The Planning Commission may allow a landscape screen which contains a minimum of one row of upright coniferous evergreens, six feet in height (minimum) and six (6) feet on center. Access to ambulance and delivery areas shall be directly from a major thoroughfare, not a secondary road.

B. Outpatient treatment facilities and ambulatory care centers.

C. Physician's offices and clinics as long as they are members of the hospital medical staff.

D. Diagnostic clinics and clinical laboratories which provide support to hospital medical functions.

E. Garages for parking and storage of emergency and maintenance vehicles subject to the following conditions:

1. Provided that such use is accessory to a principal hospital use;

2. The minimum distance of any garage from any property line shall be fifty (50) feet. Garages shall be setback a minimum of 110 feet from the centerline of those major thoroughfares identified in 6.02.U. or fifty (50) feet from the right-of-way, whichever is greater.

3. No garage may be located between the addressed side of the principal building and the closest major thoroughfare.

4. Garages must be designed to be architecturally compatible with the primary hospital building.

F. Other related uses such as a pharmacy or facilities for the sale of medical goods such as bandages, corrective garments, bed, wheelchairs or optical equipment may be permitted within such buildings.

G. Day care center for the use of hospital personnel. Such center shall not be made available for the use of any person not directly employed by the hospital, or its physicians.

H. Food service facilities providing services to staff, patients, and those visiting or accompanying patients.

I. Heliports may be permitted as an ancillary use for hospitals subject to the following conditions:

1. The plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the Planning Commission and Township Board for their review and action.

2. The standards for determining obstruction to air navigation as announced in the FAA Technical Order N-18, April 26, 1960 (as amended July 30, 1952) and any other amendments thereto shall be complied with. This standard shall be applied by the Class of airport as determined by the FAA.

3. The area of the "clear zone" (see FAA definition) shall be provided for within the land area under hospital ownership, but in no instance shall the "clear zone" be above property zoned R, PRD, RM, MH, or over residential uses in the SP Districts.

J. Public safety facilities**.**

m:\ctc\zoning ordinance\current ordinance\article 24 - hospital facilities.doc

ARTICLE 24.A

HOS HOSPITALITY DISTRICT

Preamble

The Hospitality (HOS) zoning district is intended to accommodate a range of Hospitality uses that serve the general public, both in and around Commerce Township. Typically, these uses require access to major thoroughfares and a compatible commercial base with which to draw customers from. It is with that intention that the district is located adjacent to M-5, near large retailers, office space and hospital zoned property that can be served by hospitality uses and conversely provide a customer base for these hospitality uses to draw from.

SECTION 24A.01. Principal Uses Permitted

In the HOS Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for in this Ordinance:

A. Hotels.

B. Motels.

C. Restaurants.

D. Take out food and beverage sales.

E. Taverns and bars.

F. Outdoor dining and cafes for restaurants with indoor seating, subject to the terms and conditions under Article 26 and this Ordinance.

SECTION 24A.02. Special Land Uses Permitted

The following uses may be permitted by the Planning Commission, subject to the conditions specified for each use; review and approval of the site plan by the Planning Commission; any special conditions imposed by the Planning Commission that are necessary to fulfill the purposes of this Ordinance; and, the procedures and requirements in Article 34 and this Ordinance.

A. Drive thru facilities subject to provisions as outlined in Article 26 and this Ordinance.

SECTION 24A.03. Required Conditions

All uses shall be subject to the following conditions:

A. All uses shall be developed only on sites of 1.5 acres or more in area.

B. All sites shall have at least one property line abutting a major thoroughfare as listed in Section 6.02.U. No more than two ingress routes shall be provided for the facility.

C. Principal or accessory buildings shall be setback a minimum of thirty five (35) feet from the front, and rear property lines. An additional setback of sixty (60) feet from the centerline of those major thoroughfares identified in 6.02.U. is also required when properties abut such thoroughfares. See table 6.01, Dimensional Standards, limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and the maximum density permitted.

D. Building heights in excess of two (2) stories or thirty five (35) feet are permitted up to four stories or forty-eight (48) feet, whichever is less. For each foot of building height above thirty five (35) feet the minimum yard requirement shall be increased one (1) foot on all required yards.

E. Buildings shall be oriented towards the front yard (addressed) and shall have at least one other entrance, which is accessible to a main parking area.

F. Parking areas located in a yard adjacent to a public right-of-way shall be setback a minimum of twenty (20) feet from the right-of-way.

G. All parking lots shall have walkways from each side of the parking lot that leads to the building identified as such on the pavement. Painted striping, brick pavers and/or stamped concrete or other comparable material is acceptable.

H. The Planning Commission may require a cross access agreement and shared maintenance agreement to be executed in such cases as they deem appropriate and necessary for improved circulation among contiguous lots. If a cross-access easement and a shared maintenance agreement are required such easement and 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.

I. Wherever a side or rear façade is visible from a public or private street, or if parking is located at the side or rear of a building, the façade shall be designed to create a pleasing appearance, in accordance with the following design criteria:

1. Materials and architectural features the same as those present on the front of the building shall be used on the side and/or rear facades.

2. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs and trees.

3. All utility meters, conduits, transformers and other similar, mechanical devices shall be screened from view by landscaping or a masonry wall to match the material used on the building.

J. Properties that abut M-5 shall be landscaped with the following elements on those property lines that abut M-5:

1. An undulating berm a minimum of 36 inches in height;

2. Two (2) evergreen tree per 25 linear feet of frontage;

3. One (1) shrub-like tree per 25 linear feet of frontage;

4. Four (4) shrubs per 25 linear feet of frontage.

m:\ctc\zoning ordinance\current ordinance\article 24 a hospitality district.doc

ARTICLE 25

RESERVED

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 cementious 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 that 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 alcohols sales outlet which expanded because of the transfer ceases to be an off-premises alcohols 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:

In Decibels	**Adjacent Use**	**Where Measured**
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., L_{90}).

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.

	Is Special Use Review Required? *(follow procedure in Article 34)*	
Type of WECS	*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.

ARTICLE 27
BUILDING FORM AND COMPOSITION

SECTION 27.01. Preamble

The Building Form and Composition standards are hereby established to provide regulation in the shape, placement, design, and quality of the built environment (building design, placement, and composition) as they are important elements in reinforcing a comfortable, human-scale environment, maintaining the Township's attractiveness and economic vitality, and providing a unique sense of place in Commerce Township. This Article is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of buildings and materials. Accordingly, it is the purpose of this Article to:

A. Maintain the visual environment of the Township, protect the general welfare, and ensure that the Township's property values, appearance, character, and economic well-being are preserved through design and appearance standards.

B. Encourage creativity, imagination, innovation, and variety in architectural design and building composition.

C. Preserve the unique heritage, history, and architectural character of existing buildings in all Districts as these buildings are proposed, renovated, re-used, and as changes and improvements are made.

D. Reinforce and support a healthy, pedestrian-oriented development pattern in all Districts through facade transparency requirements, complementary and appropriate use of scale, massing, and architectural details.

E. Standards for the use of exterior building facade materials are established in this Ordinance for the purposes of promoting harmony in the context of physical relationships and scale between buildings, yet encourage originality and uniqueness in design.

SECTION 27.02. Non-Residential Districts

The provisions of this Section shall apply to all planned buildings and all alterations, renovations, expansions or other work that includes exterior changes to existing buildings subject to review per Article 35 (Site Plan Review) in the following zoning districts:

B-1 – Local Business District

B-2 – Community Business District

B-3 – General Business District.

CV – Commerce Village District

TC – Town Center District

O – Office District

TLM – Technology and Light Manufacturing

HF – Hospital Facilities District

URL – Union Lake Road Overlay District

A. General Requirements

Building construction, alterations, renovations and expansions, and other work subject to the provisions of this Article shall comply with the following general requirements:

1. Architectural Standards

Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the Planning Commission.

a. **Side and rear façade**. All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public road or backs up to a residential district, or if parking is located at the side or rear of a building, the facade shall include windows, building materials, and architectural features similar to those present on the front facade of the building (see illustration).

b. **Façade variation**. Building façade walls exceeding 100 feet in length shall be subdivided into bays, through the location and arrangement of architectural features and design variations, to provide a changing and varying facade appearance. Such features and design elements may include, but are not limited to the following (see illustration):

i. Projections, bays or recesses, not exceeding ten (10) feet in depth.
ii. Enhanced ornamentation and architectural detailing.
iii. Variations in building height or window patterns.
iv. Distinctively shaped roof forms, detailed parapets, and cornice lines.

2. Public Entrances

Public entrances shall be emphasized with framing devices, such as, peaked roof

forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices.

3. **Roof Design**

   Roof-top mechanical equipment, HVAC systems, exhaust pipes or stacks, elevator housings, satellite dishes and other devices and equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device extending around all sides of the building (see illustration).

   Pitched and shingled roof forms with overhanging eaves shall be incorporated into a new building design where determined necessary by the Planning Commission in accordance with the purpose of this Article.

4. **Security and Safety Equipment**

   Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or door frames. Such security equipment shall be recessed and completely concealed during regular business hours, and shall be predominantly transparent to allow maximum visibility of the interior.

   Fire escapes shall not be permitted on a building's front facade, except where the Fire Marshall determines that no other option is available to provide the required means of egress.

B. **Standards for Exterior Facade Materials**

All building construction, alteration, renovation, and other development activity subject to the provisions of this Section shall conform to the following standards for exterior building facade materials. Each building façade shall conform to these standards independently of other facades.

Building Materials		Maximum Permitted Facade Coverage (percentage)		
		B-1 CV	**B-2 TC O TLM ULR**[5]	**B-3 HF**
BRICK	**Face, terra cotta, or ceramic**	100%	100%	100%
	Jumbo or utility[1] **brick**	25%	25%	75%
STONE	**Natural stone, stone veneer or simulated stone materials**	100%	100%	100%
CONCRETE	**Formed in place, pre-cast panels or blocks**	10%	10%	25%
	Split-face CMU[2] **or similar decorative block**	25%	25%	50%
SIDING OR SHINGLES	**Vinyl, metal, or other synthetic materials**	10%	10%	10%
	Wood, cement board, or similar materials	75%	50%	50%
ENGINEERED FINISH PRODUCTS	**EIFS**[3]**, plaster, stucco or similar materials**	0% [3.a.]	0% [3.a.]	0% [3.a.]
	Hard-coated EPS[4] **or similar polyurea hard-coated foam materials**	20%	20%	25%
GLASS	**Translucent, dark tint or mirrored**	10%	10%	25%
	Transparent, pale tint or energy efficient	50%	50%	75%
	Glass block	10%	10%	50%
SHEETS, PANELING OR SIMILAR	**Metal**	10%	10%	10%
	Wood	25%	25%	25%

Notes to table:

1. Utility brick is larger than standard brick (typical utility brick = 3 5/8 inches x 11 5/8 inches).
2. CMU = Concrete Masonry Unit.
3. EIFS = Exterior Insulation and Finish System.

a. Limited amounts of EIFS may be used for decorative features and building accents as determined by the Planning Commission.

4. EPS = Expanded Polystyrene.
5. May exceed 10% with approval of Planning Commission where material is scored or otherwise architecturally treated to give the appearance of texture rather than a flat, monotonous façade.

SECTION 27.03. Residential Districts

The provisions of this Section shall apply to all new residential developments (one-family and two-family) subject to review per Article 35 (Site Plan Review) in all residential districts.

A. Application of Standards

1. New site condominium and subdivisions: The requirements and standards of this Section shall apply to site condominium and two-family condominium developments approved under Article 37 of this Ordinance and residential subdivisions approved under Chapter 22 of the Township's Code of Ordinances subsequent to the adoption of this amendment.

2. Covenants and restrictions and master deed: The requirements and standards set forth in this Section shall be included in the covenants and restrictions and/or master deed of any development subject to these standards. The covenants and restrictions or master deed shall be submitted for review by the Township Attorney to ensure compliance with the standards of this Section.

B. General Requirements

1. No building permit shall be issued for any new residential dwelling unit which has the same elevation or is similar in appearance to any adjacent dwelling unit. A dwelling unit shall not be considered to be adjacent to another dwelling unit if it does not front on the same side of the street or is separated from said unit by an open space area (i.e. stormwater basin, park, wetland, etc.) that is at least ninety feet in width measured along the street setback line.

2. No more than twenty percent of the total number of dwelling units in any residential development can be similar in appearance. For developments that are to be completed in phases, each phase shall comply with this standard independent of other phases.

3. Variation in garage door location (front entry, side entry, recessed behind front façade, etc.) shall be provided throughout any new residential development. In no instance shall the same garage door location and orientation (i.e. front entry, left side of dwelling) be used throughout an entire development or for the length of an entire street. For two-family residential and single-family residential developments that have lots ninety feet in width or greater, a minimum of thirty percent of all dwellings

located on said lots shall have the garage door oriented other than to the front of the lot (i.e. oriented to the side or rear of the lot.)

4. No building permit shall be issued for any new residential dwelling unit which is proposed to be sided with horizontal-lap vinyl siding on any side of the structure. Quality horizontal-lap siding materials including fiber cement board and wood are permitted. Vinyl siding is permitted for decorative elements including simulated shake within the gable portions of a pitched roof.

C. **Standards for Determining Similarity**

1. **Distinguishing Characteristics**. For the purpose of this article, the term "similar in appearance" shall mean a dwelling which is identical, or nearly identical, to another dwelling in any three of the following characteristics:

   a. Roof type. Roof type is determined by location and orientation of the principal ridge line and adjacent sloping sections. Different roof styles include but are not limited to gable, reverse gable, Cape Cod, gambrel, hip, mansard and flat, etc.

   b. Roof pitch. Roof pitch is determined by measuring the ratio of vertical to horizontal units in the sloping segments of the principal section of the roof of a structure. Different roof pitches are three (3) or more vertical units in twelve (12) from each other including, for example 6:12 and 9:12 or 8:12 and 11:12, etc.

   c. Location of major design features relative to main mass. Major design features include but are not limited to attached garages, porches, porticos, breeze-ways, gables, dormers and/or similar major features. Different locations of major design features relative to the main mass of a structure include but are not limited to in front of, beside, on top of, and/or in some other location relative to the main mass of the structure.

   d. Shape of the front elevation silhouette.

   e. Locations and sizes of windows in the front elevation.

   f. Location of windows and doors relative to main mass. Different window and door locations relative to the main mass of a structure include but are not limited to center door, off-center door and no door, with windows on either or both sides of and/or above the door.

   g. Type of exterior material (e.g., brick, lapped horizontal siding, half-timber, shakes, etc.) on the front and side elevations.

2. **Housing Styles**. If adjacent lots or buildings contain different housing styles, the similarity standards delineated in subsection (C)(1) of this Section do not apply. Housing style is in and of itself a significant enough characteristic to constitute

dissimilarity. Housing styles shall consist of the following: ranch, bi-level, tri-level, 1 ½ story, two-story, three-story, as well as widely accepted architectural styles such as Colonial, Queen Anne, Victorian, Tudor, Contemporary, etc.

D. **Exemptions**

1. Single and two-family residential dwellings that were constructed in compliance with these regulations shall not be subject to these standards for any future building addition, renovation, alteration, or other structural modification, provided the dwelling units fronting on the same street within three lots or within three buildings distance have been fully constructed and received certificates of occupancy at the time of the proposed addition, renovation, alteration, or other structural modification.

2. New construction in residential condominiums or subdivisions approved prior to the adoption of these standards shall not be subject to these standards.

3. Following the issuance of a building permit for the construction of at least ninety percent of the total number of residential dwellings (based on the total number of units in all phases) in a residential condominium or subdivision, the remaining ten percent of dwelling units are not subject to the provisions of this Section.

4. Residential condominiums or subdivisions of ten dwellings or less, including future phases shall not be subject to these standards.

SECTION 27.04. Alternative Designs or Materials

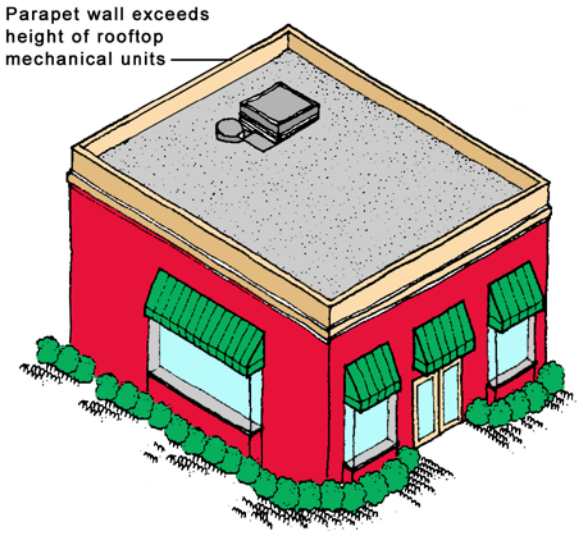
To encourage creativity, imagination, innovation, and variety in architectural design, the Planning Commission may waive or modify the requirements of this Article upon determining that the proposed architectural design or exterior façade material meets all of the following conditions:

1. The proposed design or material is consistent with the purposes of this Article.

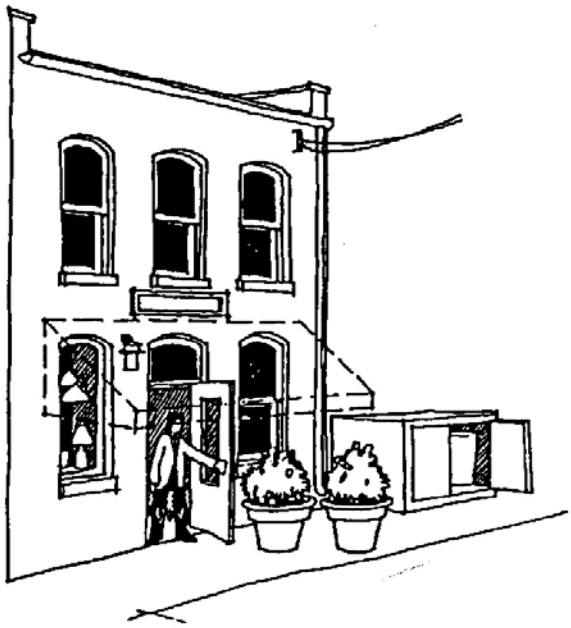
2. The proposed design or material would enhance the character of the building, development or neighborhood, and would be equal or superior to designs or materials permitted by this Article.

3. The proposed design or material would be in harmony with the character of adjacent buildings, neighborhoods, and the surrounding district.

ILLUSTRATIONS



Roof Design



Rear Entrance



Facade Variation

ARTICLE 28
PARKING, LOADING, AND ACCESS MANAGEMENT

SECTION 28.01. Purpose

It is the purpose and intent of this Article that off-street parking and loading areas be provided and adequately maintained by each property owner in every zoning district for the purpose of promoting safe and efficient short term off-street storage of motor vehicles, providing for sound and stable environmental conditions, and preventing future blighted areas. The number of off-street parking spaces in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

The purpose of this Article is also to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; to promote the use and development of shared parking facilities and cross-access between sites; and to establish access management standards.

SECTION 28.02. Scope

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Spaces for parking, loading, and access management shall be provided in accordance with the provisions of this Article, subject to approval per Article 35 (Site Plan Review).

SECTION 28.03. General Standards

The following general standards shall apply to all off-street parking and loading facilities:

A. Location of Spaces

1. Off-street parking shall be on the same lot of the building it is intended to serve, except as otherwise provided for by this Article. Off-street parking spaces shall be located within 500 feet of a primary building entrance for the use to which such spaces are accessory.

2. Parking and loading areas and interior circulation and access drives shall conform to the front and road side yard setback requirements of the zoning district in which the property is located unless otherwise provided herein. Accordingly, adjoining parking lots in a B-1, B-2, or B-3 district shall be set back a minimum distance of twenty (20) feet from each other.

3. Parking, loading areas, and circulation or access drives shall be no closer to any building or structure than five (5') feet. Bumper guards or curbs shall be installed to prevent encroachment.

4. Parking areas, and circulation or access drives shall be setback from adjoining or abutting residentially zoned property as follows:

   a. Where the parking lot or drive abuts a residential zone district at the side or rear lot line said parking lot or drive shall be setback a minimum of ten (10') feet from said lot line.

   b. Where the parking lot or drive shares common, contiguous road frontage with an abutting residentially zoned parcel, said parking lot or drive shall maintain the same minimum front or road side setback required for the residential parcel dependent upon orientation to the common road of said parcel and other residential parcels in the same block.

B. Alteration of Existing Off-Street Parking Facilities

Existing off-street parking facilities accessory to an existing building or use shall not be reduced to an amount less than the minimum required by this Article for a similar new building or new use. The minimum required off-street parking spaces shall not be replaced by any other use unless adequate parking facilities meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

C. Increase in Floor Area, Building Use Capacity, or Intensity of Use

Additional parking shall be provided and maintained in proper ratio to any increase in floor area building use capacity or intensity of use.

D. Use

Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.

2. The storage of merchandise, motor vehicles for sale, semi-trucks or trailers, or the repair of vehicles shall be prohibited in off-street parking areas.

3. No person shall park any vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown of all lots intended for use as parking by the applicant.

E. Shared Facilities

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted where peak activity for each use will occur at different periods of the day or week and, in the case of two or more adjacent parcels, access to the properties is provided by one (1) joint entrance drive. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared maintenance agreement between the property owners and easements. Easements and a 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. Shared parking and shared access facilities are encouraged.

Where shared parking facilities are provided, the number of parking spaces shall not be less than eighty percent (80%) nor more than one hundred twenty percent (120%) of the sum of the minimum requirements for the various individual uses specified in Article 28 (Schedule of Required Parking by Use), as follows:

Minimum Shared Parking Requirement = (minimum for use A + minimum for use B) x 80%
Maximum Shared Parking Requirement = (minimum for use A + minimum for use B) x 120%

SECTION 28.04. Residential Parking Standards

Required off-street parking for single-and two-family (duplex) dwellings shall consist of a parking strip, parking bay, driveways, shared driveway, garage or combination thereof located on the premises they are intended to serve, subject to the following:

A. No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.

1. This Section shall not apply to any motor vehicle ordinarily used but temporarily out of running condition for a period of up to seven (7) days.

2. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Building Director may grant the owner a period of up to seven (7) calendar days to procure a license.

B. The open parking or storage of recreation vehicles, boats or similar vehicles or equipment not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be limited to the following circumstances:

1. Parking of such vehicles or equipment not owned by a resident of the Township shall be allowed for a period of up to 24 hours without a zoning permit.

2. Parking of such vehicles or equipment not owned by a resident of the Township shall be permitted only in the rear yard for a period of up to seven (7) calendar days, subject to zoning permit approval per Article 1 (Zoning Permits).

3. Residents of the Township may park or store their own recreation vehicles, boats or similar vehicles or equipment on their own lot for an indefinite period of time, subject to the following:

   a. The vehicles or equipment shall be in operable condition and shall be stored in the rear yard.

   b. Such vehicles shall be subject to the standards of Article 33 (Accessory Structures).

4. Such vehicles or equipment shall not be connected to sanitary facilities and shall not be occupied.

SECTION 28.05. Schedule of Required Parking by Use

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

A. Where a use is not specifically mentioned in this Article, the Planning Director, Building Director, or their designee, shall apply the standards for a similar listed use. Where calculations determining the number of required parking spaces results in a fractional space, any fraction up to and including one-half (½) shall be disregarded, and any fraction over one-half (½) shall be rounded-up to the next highest whole number.

B. Minimum and Maximum Parking Requirements.

1. Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Article 28 (Schedule of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.

2. The maximum amount of off-street parking permitted for any use shall not exceed one hundred twenty percent (120%) of the minimum parking requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, or to spaces reserved for off-site uses per Article 29 (Off-Site Parking Facilities).

C. For the purpose of this Section the following shall apply:

1. Floor Area: Unless otherwise specified, where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.

2. Usable Floor area shall be concisely calculated and clearly delineated on a floor plan provided by the petitioner at the time of site plan review. It is the responsibility of the petitioner or property owner to provide the Township with documentation if the amount of usable floor area changes. Changes in usable floor area that increase the amount of required parking are prohibited until Township approval is obtained. Approval may be granted by the Building Official subject to demonstration that adequate additional on-site parking is provided to account for the change in usable floor area.

3. Beds: For hospitals, bassinets shall not be counted as beds.

4. Places of Assembly: For churches, sports arenas or similar places of assembly in which those in attendance occupy benches, pews or similar seating, each twenty (20”) inches of such seating shall be counted as one (1) seat.

5. Employees: For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest shift.

D. Schedule of Required Parking by Use

Use	Minimum Required Parking
RESIDENTIAL USES	
Accessory Dwelling	One (1) per dwelling unit, plus any required spaces for the dwelling.
Bed and Breakfast Inn	One (1) per guest sleeping room, plus any required spaces for the dwelling.
Elderly Housing, Dependent	One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee based upon maximum employment shift. In addition, sufficient space shall be provided for drop-off/pick-up.
Elderly Housing, Independent and Senior Housing	One (1) per dwelling unit, plus one (1) per on-duty employee based upon maximum employment shift.
Foster Care Small or Large Group Home or Congregate Care Facility	One (1) per resident sleeping room, plus one (1) per on-duty employee based upon maximum employment shift. In addition, sufficient space shall be provided for drop-off/pickup.
State Licensed Residential Facility or Other Managed Residential Facility	One (1) per 4 beds plus one (1) per on-duty employee based upon maximum employment shift. In addition, sufficient space shall be provided for drop-off/pickup.
Group Child Day Care Home	One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling. In addition, sufficient space shall be provided for drop-off/pick-up.
Manufactured Housing Park	Two (2) per dwelling.
Multiple-Family Housing	Two (2) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit.
Two-Family or Duplex Dwelling	
Single Family Dwellings, Detached	Two (2) per dwelling.
OFFICE, SERVICE, AND COMMUNITY USES	
Banks and Financial Institutions	Four (4) per 1000 square feet of usable floor area.

D. Schedule of Required Parking by Use

Use	Minimum Required Parking
Barber Shop, Beauty Salon, and Nail Care	One and one-half (1.5) per work station.
Child and Adult Day Care Center or Child Caring Institution	One and one-half (1.5) per six (6) children/adults of state licensed or authorized capacity, plus one (1) per on-duty employee based upon maximum employment shift.
Elementary and Junior High School	One (1) for each school teacher and administrator in addition to the requirements of the auditorium.
Funeral Parlor or Mortuary	One (1) per 50 square feet of gross floor area.
Golf Course, Public or Private	Six (6) per golf hole plus one (1) per employee on the largest working shift.
Golf Course, Miniature or Par 3	Two (2) per golf hole plus one (1) per employee on the largest working shift.
Government Administrative Offices	Four (4) per 1,000 sq. ft. of usable floor area or one (1) space per two (2) seats based on the maximum seating capacity in the main assembly room, whichever is larger
Government Services – Police and Fire	One (1) per employee on the largest working shift
Health Club or Fitness Center	Six (6) per 1,000 sq. ft. of gross floor area
Hospital or Urgent Care Center	One (1) per each patient bed plus one for each 150 square feet of outpatient service area.
Institutional Uses (e.g., churches, places of assembly)	One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee based upon maximum employment shift, plus one (1) per four (4) persons allowed within the maximum building occupancy.
Medical Offices or Clinics; Laboratories, Massage Therapists, and Physical Therapy Facilities	One (1) per 200 square feet of usable floor area.

D. Schedule of Required Parking by Use

Use	Minimum Required Parking
Museums, Libraries	One for each 600 square feet of gross floor area plus one for each employee.
Offices for Professional, Service or Administrative Uses	One (1) per 300 square feet of usable floor area.
Recreation Facilities, Indoor	One (1) per 165 square feet of gross floor area.
Pre-school Child Care	One (1) for each nursery school and day employee; and an additional five (5) fifteen(15)-minute pick-up/drop-off parking spaces, ten (10) feet by twenty (20) feet shall be provided.
Senior High School	One (1) for each school teacher and administrator and one (1) for each ten (10) students in addition to the requirements of the auditorium.
Stadiums, sports arenas or places of similar outdoor uses	One (1) for each (3) seats and one (1) for each employee.
Veterinary Clinic, Kennel or Animal Shelter	Four (4) spaces for each 1 Veterinarian and related professional.
Workshops and Studios	One (1) per 400 square feet of usable floor area.
COMMERCIAL USES	
Amusement Centers, Indoor or Outdoor.	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per three (3) amusement stations, games, holes or lanes, or one (1) per four (4) persons allowed within the maximum building occupancy.
Retail Stores, Shopping Centers and Supermarkets except as otherwise specified.	Five (5) for each one thousand (1,000) square feet of usable floor area for the first 100,000 square feet. Four (4) for each one thousand (1,000) square feet of usable floor area in excess of 100,000 square feet.

D. Schedule of Required Parking by Use

Use	Minimum Required Parking
Car Wash, Automatic or Self-Service	One (1) per employee, plus adequate waiting space for vehicles shall be provided to accommodate fifty percent (50%) of the hourly rate of capacity for each automatic wash line, and four (4) for each washing stall for a self service wash.
Convenience grocery, self service food or beverage stop	Three (3) for each one thousand (1,000) square feet usable area.
Drive-in or Drive-through Facilities(except drive up/thru restaurants	Pharmacies and dry cleaners: three (3) stacking spaces. Roadside stands: ten (10) spaces. Banks, and all other uses: five (5) stacking spaces
Farm Market	One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Furniture and Appliance Household Equipment Sale, Repair Shops, Showroom of a decorator, plumber, electrician or similar trade	One and one-half (1.5) for each one thousand (1,000) square feet of usable floor area.
Hotel, Motel or Inn	One (1) per occupancy unit, plus one (1) per on-duty employee based upon maximum employment shift, in addition to spaces for dining rooms, ball rooms or meeting rooms as otherwise provided in this section.
Laundromat and Dry Cleaning	One (1) per two (2) washing or drying machines.
Manufactured Housing Sales	One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee based upon maximum employment shift.
Dealership Showroom (indoor only) for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Construction or Farming Equipment or Similar Durable Goods	Five (5) for each 1,000 square feet of gross floor area of sales area, plus one (1) for each vehicle service stall.
Automobile Vehicle Fueling Station (i.e., Gas Station)	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations.

D. Schedule of Required Parking by Use

Use	Minimum Required Parking
Automobile Vehicle Service Center	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per service bay, plus one (1) stacking space per service bay.
Automobile Vehicle Repair Station	
Open Air Business	Two (2) per 1,000 square feet of outdoor sales or display area.
Restaurants, Carry-Out Only	One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift.
Restaurants, Drive Up or Drive Thru Required stacking spaces	Five (5) stacking spaces per drive thru window
Establishments for the sale and consumption on the premises of beverages, food, or refreshments, excluding those that serve alcohol.	Fifteen (15) for each one thousand (1,000) square feet of gross floor area. In addition, one (1) space for each three (3) seats in any outdoor seating area.
Outdoor Café or Outdoor Eating Area	
Retail Stores and Commercial Uses not otherwise specified in this table	One (1) per 200 square feet of usable floor area.
Tavern, Pub, Brewpub, Cocktail Lounge or Night Club	One (1) for each two (2) persons allowed, based upon the maximum seating capacity of the primary assembly space.
INDUSTRIAL, RESEARCH, AND LABORATORY USES	
Industrial, Research, and Laboratory	Three (3) per 1,000 square feet of usable floor area
Wholesale and Warehouse Establishments	Two (2) per 1,000 square feet of usable floor area
Self-Storage Warehouse	One (1) unobstructed space for each ten (10) storage units
OTHER USES	
Adult Entertainment Uses and Sexually Oriented Businesses	One (1) per 200 square feet of usable floor area, plus one (1) per employee on the largest working shift.

D. Schedule of Required Parking by Use

Use	Minimum Required Parking
Greenhouses and Nurseries	One (1) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses.

SECTION 28.06. Design Requirements

Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Article 28 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements

Barrier-free parking spaces shall be provided per the State Construction Code and the following:

Number of Parking Spaces Provided	Minimum Number of Barrier-Free Spaces Required	Van Accessible Parking Spaces Required	Accessible Parking Spaces Required
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

1. Such spaces shall be accessible from and conveniently located near each primary building entrance.

2. Such spaces shall be identified by above grade signs and pavement striping (see illustration).

B. Screening and Landscaping

Screening and landscaping shall be provided for all parking and loading facilities in accordance with the provisions of Article 29 (Parking Lot Landscaping and Perimeter Screening).

C. Exterior Lighting

Parking lot lighting shall comply with the standards of Article 31 (Exterior Lighting).

D. Ingress/Egress

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited. Driveways and aisles for off-street parking facilities shall comply with the following:

1. Drive aisles in off-street parking lots shall be at least 22 feet wide, and shall not exceed 300 feet in length without a break in circulation. Drive aisles providing access to two (2) rows of parking shall be a minimum of twenty-five (25') feet in width.

2. Each driveway or shared driveway shall be a minimum of 11 feet and a maximum of 15 feet in width per direction, measured at the property line. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area. The driveway or shared driveway shall intersect the abutting road at a 90-degree angle. Where constrained by environmental features, a reduced angle of intersection may be allowed, but in no case shall the angle be less than seventy (70) degrees.

3. When necessary for safe ingress and egress of vehicles the Planning Commission may require acceleration, deceleration, turn or passing lanes and any other similar improvement to be installed at the expense of the developer or property owner.

4. Ingress and egress to an off-street parking serving a multiple-family or non-residential use shall not cross land in any R (Single Family Residential) District.

5. Ingress and egress to any off-street parking lot serving a multiple-family or non-residential use shall be set back a minimum of 25 feet from abutting land in any R (Single Family Residential) District or occupied by an existing dwelling.

E. Striping

All parking spaces shall be striped with paint. Such striping shall be at least four (4") inches in width and shall be maintained at all times.

F. Stacking Spaces

Where required by this Article, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

G. Grading and Drainage

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township. Surface water shall not drain onto adjoining lots, towards buildings or across a public road, except in accordance with an approved drainage plan.

H. Parking Layout

The layout of off-street parking facilities shall be in accordance with the following minimum requirements (see illustration):

Parking Pattern (degrees)	**Maneuvering Lane Width**	**Space Width**	**Space Length**	**Width of Maneuvering Lane Plus Two Rows**
0° (parallel)	24 feet (two-way)	8 feet	22 feet	40 feet
45°	12 feet (one-way)	10 feet	20 feet	49 feet
60°	16 feet (one-way)	10 feet	20 feet	56 feet
90°	25 feet (two-way)	10 feet	20 feet	65 feet

1. Parking aisles shall not exceed 300 feet without a break in circulation.

2. All parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the lot boundaries, into required screening or landscaping, or across sidewalks or pedestrian pathways.

3. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to the setback requirements for structures in the district where the parking lot is located.

4. Parking structures may be built to satisfy off street parking regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which located and shall be located behind the principal building.

5. Parking lots shall be maintained in a clean and debris free manner.

SECTION 28.07. Construction

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan and the following:

A. Proof of any necessary permits or approvals from the Road Commission for Oakland County, Oakland County Water Resources Commissioner's Office or other agency with jurisdiction shall be provided to the Township.

B. Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.

C. Off street parking and loading areas for all uses, except one (1) and two (2) family residential uses, and all ingress, egress, access and circulation drives shall be paved with concrete, plant mixed bituminous or similar material; and shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period of time. Parking and loading area surfacing shall conform to the Township's Engineering standards.

D. The perimeter edges of all parking and loading areas and ingress, egress, circulation and access drives shall be developed with concrete curb or curb and gutter at a minimum of six inches (6") in height from the grade of the parking area or drive. The perimeter of landscaped islands within parking areas shall also be developed with concrete curb designed to protect landscaping from damage by vehicles. Islands are to have adequate drainage. The Planning Commission or the Planning Director may allow a concrete gutter to be used to allow for creative stormwater management.

E. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion per Article 1 (Certificates)**.**

SECTION 28.08. Off-Street Loading

On the same premises with every structure, use or part thereof involving the receipt or distribution of vehicles, equipment, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

A. General Standards

The following shall apply to loading and unloading areas in all zoning districts:

1. **Setbacks.** Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Article 29 Screening and Landscaping Requirements.

2. **Hard surface required.** The loading spaces shall be paved with concrete, plant mixed bituminous, or similar material, subject to Township Engineering standards.

3. **Dimensions of loading spaces.** Each loading space shall be at least ten (10) feet wide and forty (40) feet long. If roofed, a loading space must have at least 14 feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than one (1) hour at any time, the loading space shall be at least 60 feet long.

4. **Location of loading spaces.** The location and arrangement of loading spaces shall be subject to the following:

   a. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building. Where any portion of a loading space is open to public view, screening shall be provided in accordance with Article 29 Screening and Landscaping Requirements.

   b. All loading and unloading spaces in an industrial district shall be provided off-street in the rear yard. Loading and unloading spaces may be permitted in an interior side yard provided a setback of fifty feet (50') is maintained. Loading and unloading facilities shall be prohibited in the front yard of any district.

   c. Off-street loading facilities that make it necessary or possible to back directly into a public road shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

   d. Off-street loading facilities shall be located so as to not interfere with pedestrian access.

B. Use Standards

The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. Commercial Uses and Industrial, Research, and Laboratory Uses shall be required to provide a minimum number of loading spaces as follows:

1. Buildings up to and including 2,000 square feet of gross floor area shall not be required to provide a dedicated loading space.

2. Buildings with more than 2,000 square feet in gross floor area, but less than 20,000 square feet of gross floor area shall provide at least one (1) space.

3. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.

4. Buildings 50,000 square feet and greater in gross floor area shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

SECTION 28.09. Modification of Standards

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Flexibility in application

The Township recognizes that due to the specific requirements of any given development, the strict application of the parking standards set forth in Article 28 may result in development with inadequate parking or parking in excess of that which is needed. Inadequate parking spaces may lead to traffic congestion or unauthorized parking on adjacent roads or neighboring sites. Excess parking spaces may result in unnecessary paving and stormwater runoff and the hardsurfacing of space which would otherwise be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations from the requirements of Article 28 and may require more or allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant.

1. *Nature of use.* The nature of the particular use or combination of uses, relying upon accepted planning principles with regard to the anticipation of parking demand.

2. *Allocation of square footage*. The allocation of square footage to and among uses, including anticipated parking duration and accompanying drive-through uses.

3. *Potential impacts*. The Planning Commission shall consider the following potential impacts in determining appropriate modifications to the schedule of parking requirements:

    e. The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces is reduced. Consideration may be given to the availability of alternative parking spaces and/or the likelihood that parking would occur on major thoroughfares or on neighborhood roads.

    f. The benefit of additional open space or landscaped area on the site, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all of such spaces.

4. *Other reasons.* Other specific reasons identified by the Planning Commission.

5. *Conditions.* The Planning Commission may attach conditions to the approval of a deviation from the requirements of Article 28 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may impose such further conditions to ensure that adequate reserve area is set aside for future parking, if needed.

B. Off-Site Parking Facilities

Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:

1. Required parking shall be located within 500 feet of the primary building entrance and shall be on the same side of the road as the use being served, unless otherwise approved by the Planning Commission.

2. An off-site parking agreement shall be prepared by the Township attorney and shall be executed by the parties and recorded at the office of the Oakland County Register of Deeds.

C. Exceeding Maximum Number of Required Spaces

The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Article. Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation.

D. Deferment of Parking Spaces

The minimum off-street parking requirements of this Ordinance were derived from extensive study and analysis of the actual parking demand of various land uses. As applied to industrial land uses and certain commercial land uses, these standards consider an average parking demand and are designed to accommodate the present occupant of the property as well as possible future occupants. Occasions do arise, however, when the minimum parking standard requires significantly more parking than may be necessary for a particular use. Some manufacturing processes or warehousing operations, for example, require larger buildings but have relatively few employees and generate a relatively low level of demand for parking. The intent of this section is to permit, under certain conditions, the temporary deferral of the construction of a portion of the required off-street parking for industrial land uses and certain commercial land uses and the landbanking of a suitable area of land sufficient to provide the minimum required parking at some future date.

The temporary deferral of the construction of required off-street parking shall only be permitted by explicit approval of the Planning Commission. The Planning Commission may grant a temporary deferral of construction of required off-street parking under the terms of Article 35, Site Plan Review, of this Ordinance provided the requested deferral complies with the standards and conditions set forth in this Section.

1. <u>Industrial Land Uses</u>

   g. Parking construction deferral shall be permitted for industrial land uses in the I, Industrial district for such uses as manufacturing, research office, warehousing or, wholesaling.

   h. Construction shall not be deferred on more than fifty (50%) percent of the minimum required parking stalls required for the use. At no time shall the number of parking stalls to be constructed be less than ten (10) parking stalls.

2. <u>Commercial Land Uses</u>

a. Parking construction deferral shall be permitted only for commercial land uses in the B-2 and B-3 zone districts for retail stores, shopping centers, and supermarkets with over one hundred thousand (100,000) square feet of usable floor area.

b. Construction shall not be deferred on more than twenty-five (25%) percent of the minimum required parking stalls required for the use.

3. Application/Approval Requirements

a. Where a parking construction deferral is requested, the applicant shall submit the following information with the site plan for the development of use of the property:

i. The applicant shall describe, in detail, the unique characteristics of the proposed use of the property which justify the proposed construction deferral. The description shall describe how the proposed use and the parking demand characteristics of the proposed use is significantly different from similar uses.

ii. If the unique circumstances of the use relate to the number of employees on the property, the applicant shall submit employment records detailing the total number of employees for the past five (5) years, the number of employees projected for the next five (5) years and detailed floor plans indicating all equipment existing or proposed and all possible work stations.

b. When a parking construction deferral is requested the applicant shall submit a complete site plan for the property indicating all required parking, parking lot landscaping and other information necessary to determine compliance with all requirements of this Ordinance, including the adopted Engineering Design Standards of the Township. The site plan shall indicate that area where parking construction will be deferred, the number of parking stalls for which deferral is proposed and the number of parking stalls to be constructed. The site plan shall note that the area where parking will be deferred is to be reserved for future parking, and will be maintained as landscaped open space and may not be used for any other purpose. The site plan shall further indicate that the areas of land used for construction deferral are suitable for parking construction, and do not contain wetlands, easements, dedicated open space, landscape buffers, or other encumbrances that would prevent construction and full implementation of the site plan for the property.

c. Areas of land where parking construction has been deferred shall be landscaped and maintained with grass, or other acceptable plant materials. If that area is not disturbed during construction it may, with the specific approval of the Planning

Commission, be maintained with existing natural vegetation provided that natural vegetation is in keeping with the general appearance of the area.

d. Areas of land where parking construction has been deferred may not be used to satisfy interior grounds landscaping, open space, or bufferyard requirements of this Ordinance.

e. That portion of the proposed parking lot which will be constructed shall be landscaped to comply with the parking area landscaping requirements of this Ordinance as applied to the parking lot of the size actually constructed.

f. The Planning Commission may grant a deferral of parking lot construction only upon finding the following:

   i. That adequate off-street parking for the use will be available on site.

   ii. The deferral will not create any deficiencies of off-street parking.

   iii. Parking will not occur on any road, driveway or shared driveway.

   iv. Parking will not occur on any area not approved and developed for parking.

   v. Parking will not occur on that area where parking construction has been deferred.

   vi. The requested parking deferral shall not create traffic or circulation problems on or off-site.

   vii. The parking lot and drives constructed shall comply with all parking construction requirements of the Zoning Ordinance and adopted engineering design standards of Commerce Township with the exception of the number of parking stalls constructed and the horizontal dimensions of the parking lot.

   viii. The requested parking deferral shall be consistent with the public health, safety and general welfare of the Township and the purposes of the Zoning Ordinance.

g. In approving a parking deferral the Planning Commission may prescribe, by specifying in the motion of approval, such conditions regarding the character, location, landscaping and other features that will, in its judgment secure the objectives and purposes of this Ordinance. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

h. The owner of property for which a parking deferral has been granted shall report any increase in the number of employees or change in the use or occupancy of the property to the Building Director within seven (7) calendar days of said increase or change.

i. The owner of property for which a parking deferral has been granted shall construct as many of the deferred parking spaces as the Planning Commission deems necessary within six (6) months of the Planning Commission's request when, in the opinion of the Planning Commission, such construction becomes necessary. Any violation of the conditions or terms of the parking construction deferral shall require the construction of the deferred parking and the full implementation of the site plan for the property.

j. The applicant for parking construction deferral shall, upon approval of such a deferral, execute an encumbrance upon the deed to the property providing the lien on the property, enforceable by the Charter Township of Commerce, providing that the area of land where parking construction has been deferred shall remain as open space and not be committed to any other use pending construction of required parking areas and further providing that upon sale or lease of the property or any structures located thereon or, upon change of use of the property or any structures located thereon, the deferred parking shall be constructed. Such encumbrance shall be prepared by the Township Attorney and shall contain such terms and conditions as are required to insure compliance with the site plan and this Ordinance. Such encumbrance shall be recorded at the office of the Oakland County Register of Deeds. Upon reapplication, the Planning Commission may extend the parking construction deferral to the new owner or lessor under the terms and requirements of this Ordinance.

k. Any cost incurred by the Charter Township of Commerce in the implementation and enforcement of the terms of this Section, including court costs and attorney fees, shall be borne by the property owner.

E. Modification of Loading Space Requirements

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

SECTION 28.10. Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

A. An approved parking or loading facility that is not maintained in accordance with an approved site plan shall be considered a violation of this Ordinance.

B. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.

C. Parking and loading areas shall be kept entirely free of snow. Snow may be stored in a parking area provided adequate on-site parking is provided in an amount equal to that required for the use or uses of the parcel and further provided that snow is not piled at a height to impinge on the a clear sight area as defined in Article 6 of this Ordinance**.**

SECTION 28.11. Access Management

The purpose of this Section is to protect the substantial public investment in the road system by preserving the traffic capacity of existing roads. It is the further intent of this Section to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

A. Zoning Districts.

The standards of this Section shall apply to properties that abut Haggerty Road, Pontiac Trail, or Maple Road *and* are in one of the following zoning districts: Local Business, Community Business, General Business, Office, Office Research, Industrial, Haggerty Road Corridor Overlay, and Union Lake Road Overlay.

B. County or State Access Management Standards

Where the Road Commission for Oakland County (RCOC) or Michigan Department of Transportation (MDOT) have adopted access management standards which are more restrictive than the standards of this Section, the adopted RCOC or MDOT standards shall supercede the standards of this Section.

C. Driveway Spacing Standards

The location of driveway or shared driveway entrances and exits for all uses shall be subject to the approval of the Planning Director, or Planning Commission when site plan review by that body is required or where approval is required pursuant to the Commerce Charter Township Code regarding streets. Consideration shall be given to the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles. Each parcel or part thereof subject to the standards of this Section shall have no more than one (1) driveway entrance and exit opening to a public road for each 300 feet of frontage or fraction thereof and further provided:

1. Where more than one (1) driveway is allowed, the driveways shall be located at least 150 feet apart.

2. No driveway shall be located within 50 feet of a side lot boundary, or within 100 feet of an intersection of two (2) or more road rights-of-way.

D. Shared Access Standards

Every legally created parcel of land is entitled to access to public roads. Where such access is not provided by way of an existing or proposed service or access drive, the Planning

Commission may require a shared driveway meeting the standards of the Commerce Charter Township Code to minimize the need for driveways and curb cuts to each use and thereby decrease hazards to persons and vehicular traffic.

1. **Location.** New shared driveways and cross-access drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.

2. **Cross-access easement.** Shared driveways and cross-access drives shall be located within a dedicated access easement that permits traffic circulation between lots. This easement and a shared driveway maintenance agreement as required by the Commerce Charter Township Code shall be prepared by the Township attorney, executed by the parties and recorded by the Township attorney with the Oakland County Register of Deeds office and a copy of the recorded easement shall be submitted to the Township Planning Department.

3. **Maintenance.** The easement area shall remain clear of obstructions, and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access and shall enter into a maintenance agreement. A 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.

SECTION 28.12. Traffic Impact Studies

Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The Township may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Article 1 (Fees).

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. The Planning Commission may modify the TIS requirements or scope based upon site and use location and conditions.

At a minimum, the TIS shall include the following:

A. An analysis of existing traffic conditions or site restrictions using current data.

B. Projected trip generation at the subject site based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses at similar locations in Michigan.

C. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting roads.

Capacity analysis shall be based on the most recent edition of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.

D. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles, and other users.

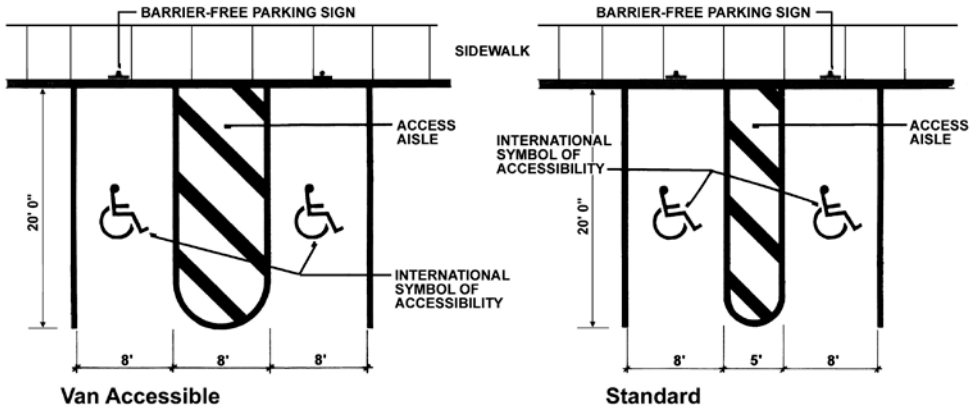
E. Prediction of the peak-hour operational conditions at site driveways, shared driveways, and road intersections affected by the development.

F. Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the Township, county or state road authorities.

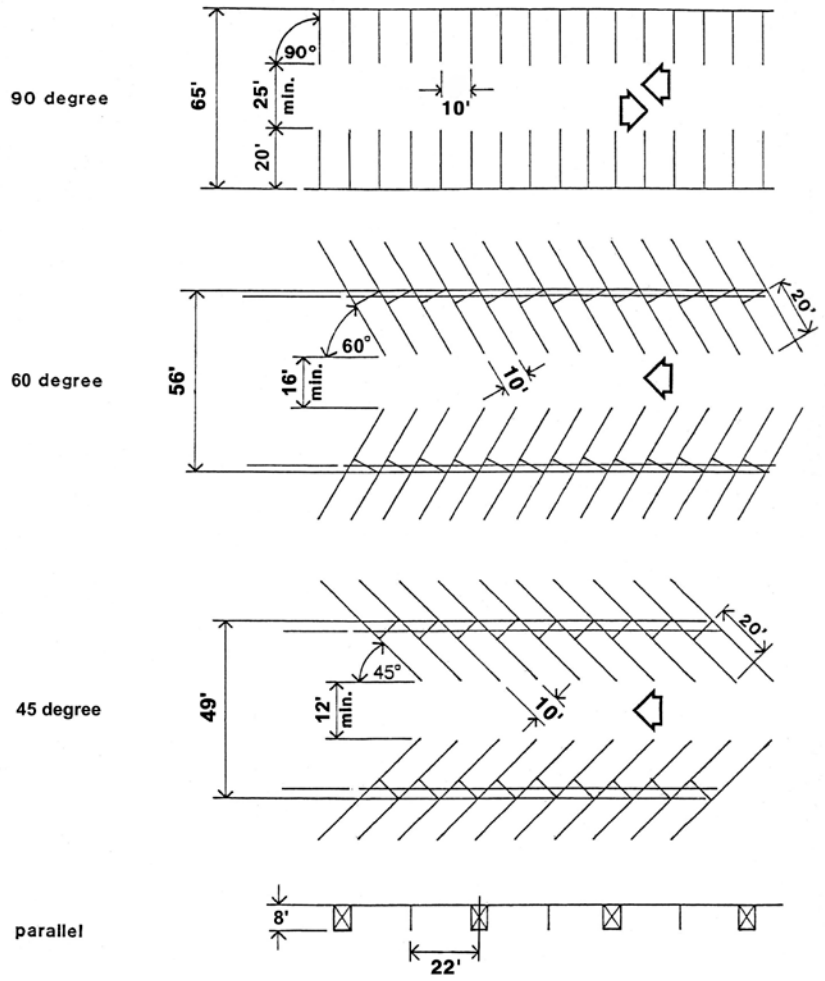
G. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the TIS involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

m:\ctc\zoning ordinance\current ordinance\article 28 - parking, loading & access management(2013-12-25).doc

ILLUSTRATIONS



Barrier-Free Parking Space Layout



Parking Layout

ARTICLE 29
SCREENING AND LANDSCAPE REQUIREMENTS

SECTION 29.01. Purpose

Screening and land use buffers are necessary for the protection and enhancement of the environment and to ensure reasonable compatibility between land uses of differing intensity or impacts. Screening enhances the visual environment; preserves natural features; protects property values; alleviates the impact of noise, traffic, and more intensive land uses; and minimizes visual impacts of parking lots, loading areas and storage areas. Screening and buffering also contributes to a healthy development pattern and increases the level of privacy for residential uses in the Township.

The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping. All landscaping shall conform to the following standards except as otherwise specified in this Ordinance. It is the intent of this Article that required screening and buffering elements shall be immediately effective in achieving the purpose of this Article, and shall maintain that effectiveness as the plant materials mature.

SECTION 29.02. Scope

Wherever landscaping is required by this Ordinance, all portions of the landscaped area shall be planted with grass, trees, ground cover, shrubbery or other suitable plant material, in accordance with the standards provided in this Section. Paved patios, terraces, sidewalks and similar site features may be incorporated with Planning Commission approval. Plastic and other nonorganic or nonliving plant material shall be prohibited from use Stone, rock, gravel and similar materials may be used to augment, but shall not replace, live plant materials in a landscape plan.

The standards of this Article shall be considered the minimum necessary to achieve the purposes of this Article and Ordinance. No provision of this Article shall preclude a developer and the Township from agreeing to more extensive landscaping or screening. Where existing sites have been developed without adequate screening or buffering, the purposes of this Article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.

SECTION 29.03. General Standards

The following standards shall apply to all landscaping and screening elements required by provisions of this Ordinance or determined necessary by the Planning Commission as part of site plan approval:

A. Design Standards

1. Visibility. Landscaping and screening materials shall be laid out in conformance to the requirements of Article 6 (Corner Clearance Areas), and shall not conflict with visibility for motorists or pedestrian access.

2. Plantings near utility lines and fire hydrants. Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

3. Protection. Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.

4. Irrigation. To assist in maintaining plant materials in a healthy condition, all landscaped areas shall be provided with a permanent, operable, automatic, underground irrigation system, subject to the following:

   a. The irrigation system shall be used to maintain plant and lawn health and vigor throughout the growing season.

   b. The Planning Commission may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.

   c. All automatic irrigation systems shall be designed to minimize water usage, and shall be manually shut off during water emergencies or water rationing periods.

   d. Non-residential irrigation systems shall be separately metered.

B. Plant Material Standards

1. General. The following shall apply to all plant materials:

   a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI Z60.1, 2004).

   b. All plant material shall be true to name in conformance to the current edition of *Standardized Plant Names* established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the Township.

   c. All plant material shall be northern nursery grown; hardy to the climate of Michigan; appropriate for the soil, climatic and environmental conditions; and resistant to disease and insect attack.

   d. Artificial plant material shall be prohibited within required screening areas.

2. Groundcovers. The following shall apply to all groundcover materials:

a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded, terra-seeded, or slot-seeded on a 2-inch topsoil base (after settling and compaction), provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.

b. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.

c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to Planning Commission approval.

3. Mulch. Planting beds shall present a finished appearance; with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree and shrub trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

4. Topsoil. A minimum two (2) inches of topsoil (after settling and compaction) shall be provided for all lawn areas and ground covers. A minimum four (4) inches of topsoil shall be provided for all planting beds.

C. Standards for Size and Variety of Plant Materials

To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than approximately twenty five percent (25%) of any single plant species, subject to Planning Commission approval. Plant material shall comply with the following schedule for minimum sizes at planting:

Screening Materials	Minimum Size at Installation
Deciduous Shade Trees	2 ½ caliper-inches *
Evergreen Trees	7.0 feet overall height
Deciduous Ornamental Trees	1 ½ caliper-inches * or 6 feet overall height
Shrubs	24 inches in height or 30 inches in spread

* Caliper-inches measured six (6) inches above grade.

D. Existing Plant Materials

Healthy existing trees and other plant materials on a site may be used to satisfy specific screening standards of this Article, subject to Planning Commission approval and the following:

1. If deemed necessary by the Planning Director or Planning Commission, site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are six (6) inches or greater, diameter at breast height (dbh). Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan.

2. The Planning Commission may require Township inspection of existing plant materials prior to or as a condition of site plan approval to determine the health and desirability of such materials. Such inspections shall be performed by qualified Township staff or by a certified arborist or similar qualified consultant.

3. Where plant materials are to be saved, prior approval shall be obtained by the property owner from the Building Director prior to any delimbing, root pruning, or similar work.

4. Four (4) foot high orange safety fencing shall be placed at the drip-line of existing trees, and around the perimeter of other preserved plant materials, with details of protective measures noted on the site plan. No vehicle or other construction equipment shall be parked or stored within protected areas. Fencing shall be removed only after completion of construction.

5. In the event that healthy trees which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, the trees shall be replaced with the same species as the damaged or removed tree or with an approved substitute, in accordance with the following schedule. However, the Planning Director may approve an alternative species or ratio based on their evaluation of the site and building configuration, available planting space, and similar considerations:

Damaged Tree[1]	Replacement Tree[2]	Replacement Ratio
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of tree that is cut down, damaged or destroyed

[1] Caliper of existing trees measured at breast height.

[2] Caliper inches of replacement trees measures six (6) inches above grade.

SECTION 29.04. Bufferyard Requirements

Bufferyards are intended to mitigate potentially negative impacts land uses may have on less intensive neighboring land uses or to obscure unsightly items or areas from view off of the site. A bufferyard is a designated unit of yard or open space together with any plant materials, barriers and screening designed to minimize negative impacts of adjacent land uses. Both the amount of land and the type and amount of landscaping specified are intended to minimize potential nuisances such as noise, glare, dirt, unsightly areas and similar impacts.

The bufferyard requirements are designed to be flexible. A single standard applied to all circumstances may not function as well and might impose unnecessary difficulties on development and lead to monotony. It is the intent of the following provisions to provide flexibility to the developer or property owner through the manipulation of four (4) basic elements: distance, plant material type, plant material density and structural or land forms.

Bufferyards shall be required as indicated in the following table. Such bufferyards shall be provided along site perimeters without road frontage, except to permit driveways or other necessary site improvements.

REQUIRED BUFFERYARD TYPE

Developing Zoning	Adjoining Zoning District											
District	SF	R-2	RM	MHP	B-1	B-2	B-3	O	I	TLM	H	PRD
SF[1]	--	C[2]	C[2]	--	C[2]	D[2]	D[2]	C[2]	E	E	E	E
R-2	C[2]	A	A	B	B	C	C	B	E	D	D	D
R-M	C[2]	A	A	A	B	C	C	B	E	D	D	D
MHP	--	B	A	A	C[2]	D	D	C	E	E	E	E
B-1	C[2]	B	B	C[2]	A	A	A	A	C	C	C	E
B-2	D[2]	C	C	D	A	A	A	B	C	C	C	E
B-3	D[2]	C	C	D	A	A	A	B	C	C	C	E
O	C[2]	B	B	C	A	B	B	A	D	D	C	E
I	E	E	E	E	C	C	C	D	A	B	C	E
TLM	E	D	D	E	C	C	C	D	B	A	C	E
H	E	D	D	E	C	C	C	C	C	C	A	E
PRD	E	D	D	E	E	E	E	E	E	E	E	A

Table Notes:

1. Landscape requirements only apply to subdivision or condominium development in any single family residential zoning districts.
2. The Planning Commission may require a 6 foot tall decorative masonry screen wall in addition to the landscape requirements.
3. Where the rear yard of lots or units in a plat or condominium face a perimeter road, a minimum 8 foot tall opaque screen shall be provided along the entire length of frontage. Such screen may be provided by preserving existing vegetation and/or by additional plantings.

Buffer Yard Type Descriptions (see Table below for specific Buffer Yard Requirements :

A. Intended to separate uses, within the same or different zoning classification, provide vegetation in densely developed areas, and to enhance the appearance of individual properties**.**

B. Low density screening to partially block visual contact between zoning classifications.

C. Medium density screen to partially block visual contact between zoning classifications and to create spatial separation.

D. Medium-high density screen intended to substantially block visual contact between zoning classifications and create spatial separation. Must form an opaque screen to a height of 6 feet within 3 years of planting.

E. High density screen intended to substantially block visual contact between zoning classifications and create spatial separation. Type E planting buffers reduce light and noise trespass that would otherwise intrude upon adjacent zoning classifications. Must form an opaque screen to a height of 8 feet within 3 years of planting.

BUFFER YARD REQUIREMENTS

	Buffer Yard Type				
	A	**B**	**C**	**D**	**E**
Buffer Yard Minimum Width	6	10	20	30	50
Buffer Yard Minimum Width (with wall[a])	N/A	N/A	10	15	25
Deciduous Shade Trees (per 100 lineal feet)	2	2	2	2	2
Ornamental Trees (per 100 lineal feet)		1	1	1	1
Evergreen Trees (per 100 lineal feet)	1	1	2	3	4
Shrubs (per 100 lineal feet)	4	4	4	6	6
Berm Height[b]					6 ft.

Table Notes:

a. All screen walls shall be six (6) feet in height, consist of brick or stone, and capped with a stone or concrete cap. The color and material shall be coordinated with the materials of the principal building.

b. The berm requirement may be waived if existing vegetation that provides an equal or greater screen than would otherwise be provided is proposed to remain undisturbed.

SECTION 29.05. Standards for Specific Areas

The following standards are intended to address the specific screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this Article:

A. Parking Lot Landscaping and Perimeter Screening

The process of development of land with its alteration of the natural topography, vegetation and creation of impervious cover can have a negative effect on the ecological balance of an area by causing increases in air temperatures and accelerating the processes of runoff, erosion, and

sedimentation. Recognizing that the preservation or installation of vegetative cover promotes the health, safety and general welfare by aiding in the stabilization of the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, ground water recharge and storm water runoff retardation while at the same time aiding in noise, glare and heat abatement the following requirements for the landscaping of parking and outdoor display areas are enacted.

All areas used for the display, residential storage, or parking of any type of vehicles, boats, trailers or similar items, whether self-propelled or not, shall incorporate and provide curbed tree planting spaces not less than eighty (80) square feet in area for each tree planting. Tree planting areas shall be evenly dispersed throughout the parking, display, or storage area. Parking lot landscaping and perimeter screening shall be subject to the following:

1. Perimeter screening. Parking lots shall be screened from all abutting residential uses, residential districts, and road rights-of-way as follows:

	Screening from Residential Uses or Districts	**Screening from Road Rights- of-Way**
Buffer Yard Minimum Width	10 ft.	10 ft.
Evergreen trees (per 100 lineal feet)	7	None required
Evergreen shrubs (per 100 lineal feet)	None required	20

2. Snow storage area. Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

3. Landscaping within parking lots. Planting islands shall be subject to the following (see Illustrations Section at the end of this Article):

   a. For parking, display, or storage areas measuring greater than two thousand (2,000) square feet, interior planting areas shall be provided equal to not less than ten percent (10%) of the total parking, display, or storage area. Such plantings shall be evenly disbursed throughout the parking, display or storage area according to a plan approved by the Planning Commission.

   b. Planting islands shall have a minimum width of ten (10) feet, and a minimum area of 360 square feet.

   c. A minimum of one (1) deciduous shade tree or ornamental tree shall be provided for each planting island. Shrubs and/or live groundcover plantings shall be used to cover remaining areas of the island. Suitable groundcover plantings include, but are not limited to: perennials planted 24 inches on-center, ornamental grasses, and daylilies, but not including lawn.

d. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission. However, a landscape island shall be required within the interior of a parking row so that there shall not be more than 20 contiguous parking spaces within any parking row.

e. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

f. All planting beds, lawn areas, rights-of-way, and parking lot islands shall be irrigated (except for bioswales). All lawn areas and rights-of-way shall be sodded.

B. Loading, Storage, and Service Area Screening

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent uses subject to review and approval of the Planning Director and the Planning Commission.

C. Detention and Retention Basin Screening

Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with 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. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.

2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, the location and design shall be subject to Planning Commission approval.

3. Basins shall be planted with a mixture of groundcover and wetland-based plantings.

4. A perimeter greenbelt buffer shall be provided in accordance with Article 29 and the following:

   a. Required plantings:

      i. Two (2) deciduous shade trees per 100 lineal feet.

      ii. One (1) ornamental tree per 100 lineal feet.

      iii. Four (4) evergreen trees per 100 lineal feet.

iv. Six (6) shrubs per 100 lineal feet.

b. Plantings shall be clustered around the basin to achieve a variety of plant materials and to replicate a natural environment.

c. Trees shall be planted above the freeboard line of the basin. 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.

d. There shall be a 4 to 5 foot wide buffer planted at the water's edge around the entire basin to discourage geese. This buffer shall consist of plant material designed to achieve a height of at least three (3) feet at maturity, including native grasses, forbs, shrubs, and wildflower mix.

D. Building Fronts and Interior Landscaping

Interior landscaping areas, constituting at least fifteen (15%) percent of the total lot area, exclusive of the rights-of-way, required bufferyards, greenbelts and required parking lot landscaping, shall be provided in every non-residential or residential development excluding single family detached residential uses.

1. Interior Landscaping should be grouped near building entrances, along building foundations, along pedestrian walkways and along service areas in accordance with the following standards:

   a. One deciduous or evergreen tree shall be required for every four hundred (400) square feet of required interior landscaping area. Upon approval of the Planning Commission, two (2) tree-like shrubs or two (2) ornamental trees may be substituted for each deciduous or evergreen tree.

   b. One shrub shall be required every two hundred fifty (250) square feet of required interior landscaping area.

   c. The interior landscaping area shall be curbed or edged and shall contain grass or groundcover as required in Article 29 (Ground Covers).

E. Rights-of-Way and Other Adjacent Public Open Space Areas

Public rights-of-way and other public open-space areas adjacent to required landscaped areas and development sites shall be landscaped in a manner that enhances the visual character of Township roads and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:

1. **Street trees.** Street tree plantings shall be required for all development projects along the margins of road rights-of-ways in the Township, subject to the following (see illustration):

a. Street trees shall consist of deciduous shade trees planted at a minimum concentration of one (1) street tree per 40 linear feet of right-of-way. Required trees may be planted at regular intervals or in groupings. A residential street shall contain two (2) deciduous trees per lot. One (1) tree planting may be located at each lot front with the balance located in random natural groupings along road right-of-ways.

b. Existing trees near or within road right-of-ways shall be preserved where feasible.

c. Permits may be required by the Road Commission for Oakland County or Michigan Department of Transportation for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a road right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the Planning Commission.

2. **Groundcover plantings within road rights-of-way.** Road right-of-ways shall be planted with grass or other living ground cover.

3. **Maintenance of right-of-way landscaping.** Right-of-way landscaping shall be maintained by the owner of the abutting lot(s).

G. Entranceways

An identifying sign shall be erected and landscaping installed at each road access point or entrance to any type of residential development, mobile home park, office complex, commercial development, or similar planned development, containing more than two (2) buildings that are related in purpose. The landscaping shall consist of a mixture of sizes and species of trees and shrubs, so as to provide partial screening of the development from the road. The use of berms and plantings shall be arranged as a support system for the identifying sign. Any sign erected for this purpose shall not exceed six (6) feet in height and fifty (50) square feet in area, shall be constructed of permanent, durable materials and shall be designed so as to be compatible with the architecture of the surrounding development.

The Planning Commission may waive these requirements when it determines that the parcel size and configuration are such as to make the provisions of the landscaped area inappropriate due to such factors as size of the development, location off a long private road, or where all the lots face a major thoroughfare.

SECTION 29.06. Prohibited Plant Materials

The following trees are not considered desirable plant materials because of various problems and shall not be used, except where removal of existing trees would result in a loss of screening or buffering, or where noted below:

Species	Common Name
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade'
Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

SECTION 29.07. Installation

All screening shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved site plan, and the following:

1. **Deadline for installation.** Installation of required screening and landscaping shall be completed prior to or at the time of completion of building construction, except when building construction is completed during the off-season when plants cannot be installed, in which case the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season.

2. **Extension.** The Building Director may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this Section.

3. **Performance guarantee.** The Building Director may require submittal of a performance guarantee, per Article 1 (Fees and Performance Guarantees), in an amount equal to 125% of the estimated cost of installing required screening elements and plant materials. After installation has been completed, the Building Director or Planning Director shall conduct an inspection of the plant materials before the performance guarantee may be released. Ten percent (10%) of the total performance guarantee may be held by the Township for two (2) years from the date of completion, to insure appropriate maintenance and replacement, if necessary, of all screening elements and plant materials, as required by Article 29.

SECTION 29.08. Maintenance

All screening elements and plant materials shall be maintained in accordance with the approved site plan, and the following:

1. Maintenance procedures and frequencies to be followed shall be specified on the site plan, along with the manner in which the effectiveness, health, and intended functions of the screening elements and plant materials on the site will be ensured.

2. Plant materials shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris, and refuse. Tree stakes, guy wires, and tree wrap shall be removed after one (1) year.

3. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

4. All required screening elements and plant materials shall be planted and maintained in accordance with an approved site plan. Failure to maintain required screening, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

5. The replacement or removal of plant materials in a manner not consistent with an approved site plan shall be a violation of this Ordinance.

6. Adequate provisions shall be made to supply water to all required plant materials as necessary to ensure proper growth and development.

7. Lawn spraying and fertilizing must be done in accordance with Commerce Charter Township Code.

SECTION 29.09. Exceptions

The Planning Commission may reduce or waive the specific standards of this Article, upon determination that the screening and/or landscaping requirements and purposes of this Article have been satisfied by existing topography, vegetation or other means acceptable to the Planning Commission.

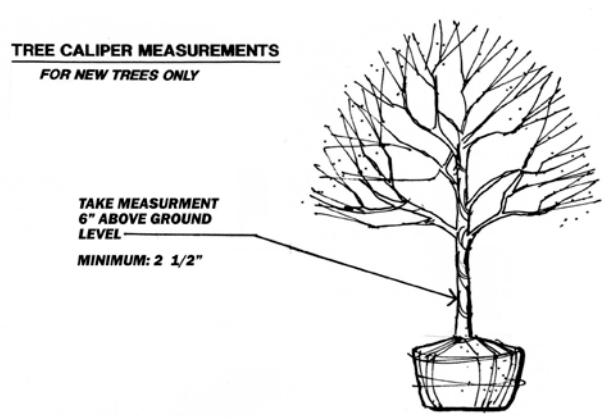
SECTION 29.10. Landscape Plans

In addition to the requirements specified in Article 35, Site Plan Review, landscape plans submitted for review in Commerce Township shall comply with the following requirements:

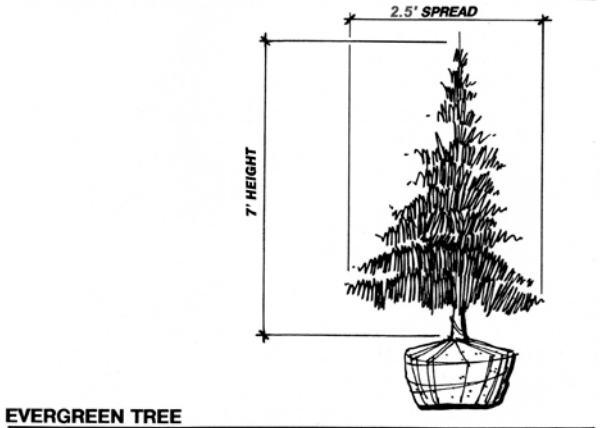
A. Landscape plans shall be prepared by a registered landscape architect.

B. For each plant species proposed, an informational profile shall be submitted, which shall identify the plant species and cultivar, provide a photograph, and include growth characteristics in order to determine the suitability of the plant for the selected location.

ILLUSTRATIONS

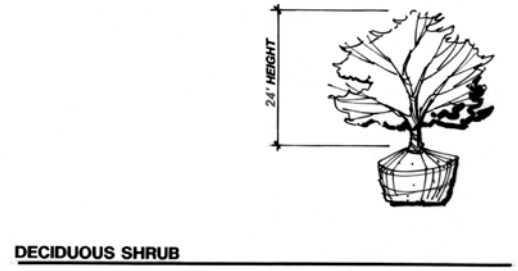


DECIDUOUS CANOPY TREE

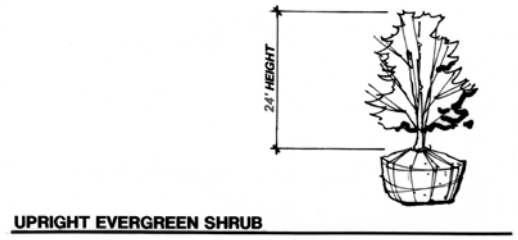


EVERGREEN TREE

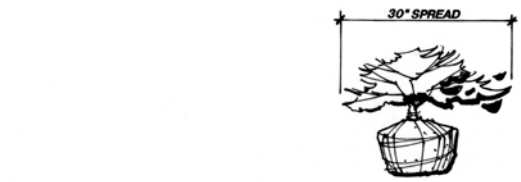
Minimum Plant Sizes



DECIDUOUS SHRUB

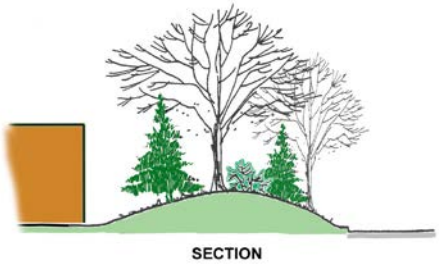


UPRIGHT EVERGREEN SHRUB



SPREADING EVERGREEN SHRUB

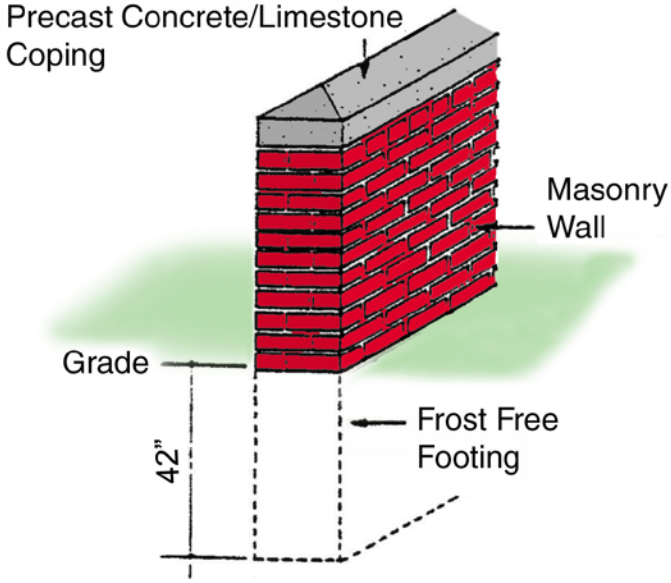
Minimum Plant Sizes



SECTION

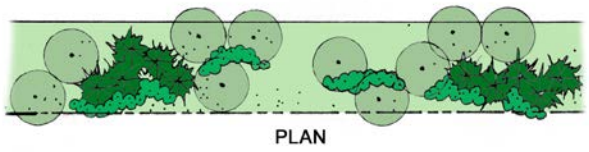


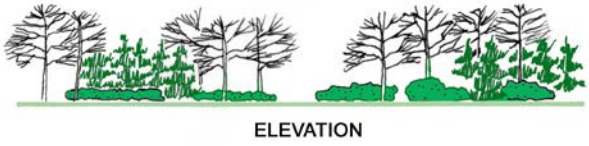
Berm

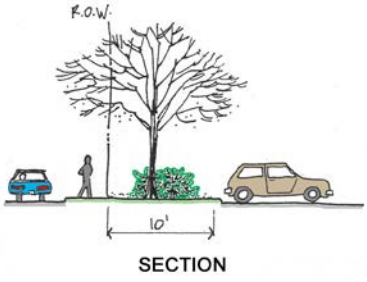


Screen Wall

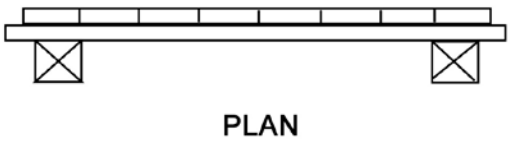
ILLUSTRATIONS

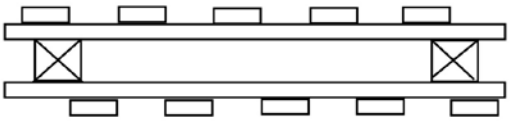


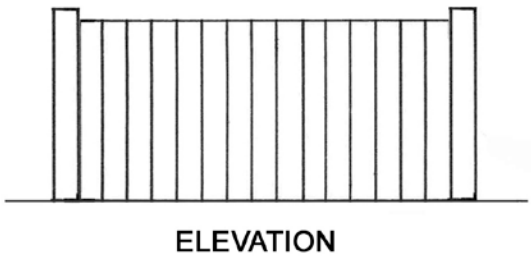




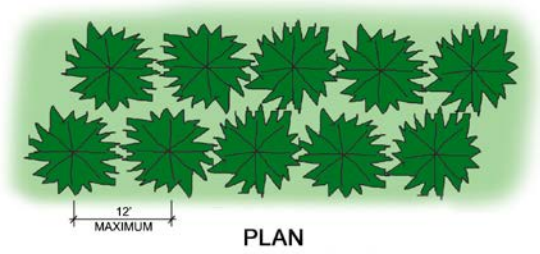
Greenbelt
Buffer







Fence



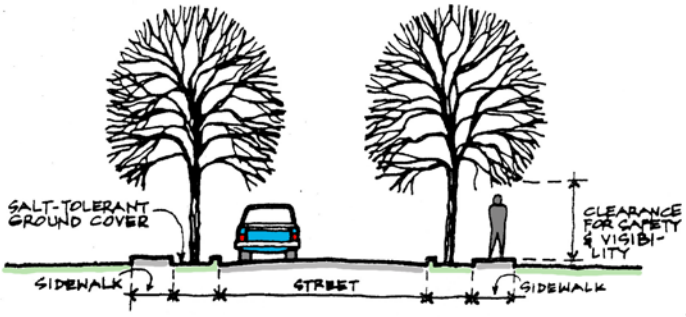




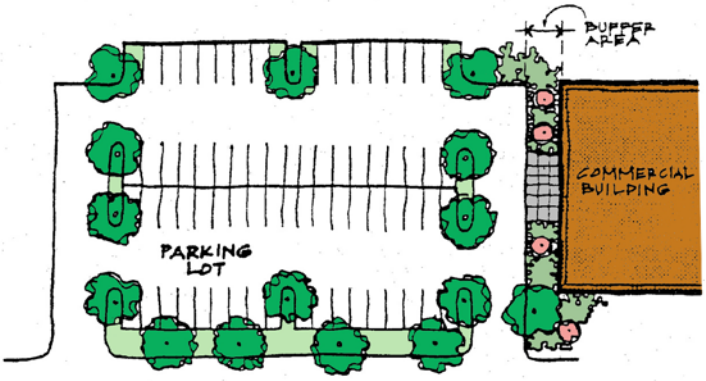
Evergreen Screen

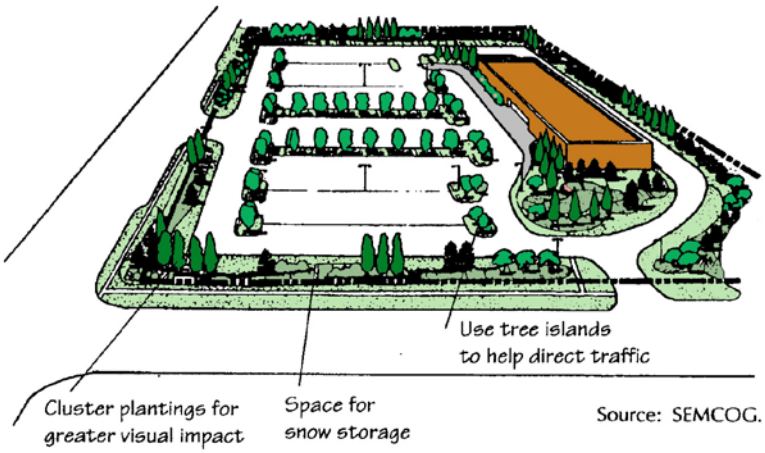
ILLUSTRATIONS





Street Trees





Landscaping Within Parking Lots

ARTICLE 30

SIGNS

SECTION 30.01. PURPOSE.

Commerce Township is a unique community with conditions that dictate appropriate regulations of signs. Traffic congestion, proximity of buildings and structures to the road, narrowness of lots, and frequency of curb cuts affect traffic safety. Sign clutter exacerbates traffic safety concerns in these circumstances. Aesthetics is another concern, especially in residential areas and in and around areas that have been preserved in their natural state and/or as common land. These conditions call for restraint on the amount and size of signs.

Along corridors where traffic congestion is the norm, such as Haggerty Road, Union Lake Road, Maple Road, Pontiac Trail, M-5 and portions of 14 Mile Road, it is a goal to have clear, concise, and simple signs, so drivers do not have to take their eyes off of the road too long to read the signs. Digital/electronic/LED signs can distract drivers due to their light intensity and their ability to display graphics that move, scroll, and/or flash, and shall be prohibited in most applications. This goal is especially important along Haggerty Road and Union Lake Road, where lots are narrow, setbacks are minimal, and curb cuts are frequent and closely spaced.

Throughout much of the rest of the Township, aesthetics is a guiding interest in sign regulation. Commerce Township is blessed with beautiful unspoiled natural areas, such as: Proud Lake State Recreation Area, Bicentennial Park, Byer's Homestead Park, Dodge 5 Park, Hickory Glen Park, Long Nature Park, Maple Glen Park, Mill Race Park, Richardson Park plus 11 public school parks, as well as multiple lakes and natural open areas scattered throughout the Township. These natural areas and lakes, which comprise approximately 31% of all Township land, are the backdrop to the many fine residential neighborhoods that are predominant through most of the Township. These neighborhoods, and much of the development in Commerce Township, are unusual because development is not ostentatious or overbuilt; rather the size and height of buildings are in scale with, and do not overwhelm, their natural surroundings. The Township has historically limited building height to two stories and, in fact, the majority of the commercial buildings are one story in height. Again, scale becomes a principal guiding factor to sign regulations. It is a goal of this Article to ensure that signs are similarly in scale with their surroundings.

Visioning sessions conducted by the Township as a part of the development of its Master Land Use Plan identified "open space from the road" as a Township attribute that residents and officials are proud of. Conversely, "excess signage" was identified as something that respondents regretted. To that end, it is incumbent upon the Township, through its Zoning Ordinance, to impose standards that will result in maintenance of roadside open space and a reduction of excess signage. The Master Plan also calls for signage standards as relates to commercial development.

To further this purpose, it is the intent of the Township and the purpose of this Article to regulate and permit signs and other outdoor displays with the following objectives in mind:

1. Oversized signs that are out of scale with surrounding buildings and structures should be prohibited.
2. The placement and design of signs should further the land use planning objectives of the Township as set forth in this Ordinance.
3. Signs should be compatible with neighborhood character and should not adversely affect the value of surrounding properties.
4. Size and placement of signs should maintain and enhance the aesthetics of our community.
5. Size and placement of signs should enhance pedestrian and traffic safety.
6. Size, and time and manner of placement of signs should limit the intrusion of visual messages onto adjacent or nearby private property.
7. Size, construction materials, and time and manner of placement of signs should minimize their adverse effects on nearby public and private property.
8. Signs should be designed and placed in a manner that minimizes driver distraction.
9. Excess signage should be avoided.
10. Scenic views, natural landscapes, and areas of historical significance within the Township should be protected, preserved and enhanced.
11. The economic viability of the Township should be protected and enhanced by assuring aesthetic appeal for visitors, and residents.
12. The use of aesthetically pleasing sign materials and colors should be promoted.
13. Obstacles, distractions, or traffic hazards which impair a traveler's ability to see pedestrians, traffic signs, or vehicles should be avoided.
14. The right to enjoy scenic amenities should be preserved.
15. Public health, safety, and welfare should be preserved.
16. The effectiveness of necessary directional and warning signs should be enhanced.
17. Air movement and natural light shed should be preserved and enhanced.
18. Property values should be preserved.
19. The blighting influence of signs should be reduced.
20. The night sky should be protected from stray lighting.
21. Adverse lighting or reflection should be avoided.
22. Signs should be structurally safe and secure.
23. It is also the intent of this article to secure and preserve unto the people of the Township the right of free expression guaranteed by the First Amendment of the Constitution of the United States; hence this article shall be so construed as to effectuate such intent.

SECTION 30.02. REGULATIONS.

The following regulations apply to all signs except as otherwise provided herein:

A. Construction and Maintenance. All signs shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the Township; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

All sign faces shall be smooth and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure.

No sign shall have wind actuated elements.

B. Illumination. Internal and external sign illumination shall be permitted, subject to the following (see illustration):

1. External sign illumination. External illumination of signs shall be permitted in any zoning district, provided that the light source(s) shall be fully shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.

2. Internal sign illumination. Signs at parcels with non-residential uses in all zoning districts, except for the sites within the Commerce Village Overlay District, may be internally illuminated.

3. Other Limitations. Sign illumination shall be further limited as follows:

    a. Sign illumination shall be provided by electronic means or devices, and shall be continuous and without variance in intensity and, subject to this Article, shall not be of a flashing, intermittent, moving or animated type.

    b. Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any road right-of-way or adjacent lot. Such lighting may be used as an indirect light source, or if shielded by translucent panels or similar methods.

    c. The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and shall not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

C. Measurement. The area of all signs shall be computed by measuring the area of the regular shaped envelope required to enclose the lettering, characters, and/or logo and the structures to which the lettering, characters, and/or logo are attached. This envelope shall be a simple closed curve such as a circle or oval, or shall be a rectangle or triangle.

In the case of a wall sign consisting of open letters attached to the building, the envelope shall be around the letters having common heights. Capital letters, graphics and logos shall be boxed and added to the total.

Permitted areas for freestanding signs are stated as the area for each face of a two-sided sign where both faces are identical in size and content, and the plane of the surfaces of each side of the sign are no greater than twenty-four (24") inches apart and are parallel or would intersect at an angle of not more than fifteen (15) degrees. Two-sided signs otherwise designed shall be considered a single face sign and the area shall be the total area of both faces. The permitted area per face for signs with more than two faces is determined by multiplying the maximum permitted area for the sign by two (2) and then dividing by the number of faces proposed. The poles or structure supporting a freestanding sign shall not be included in the measurement of sign area unless the poles or structures have printed material thereon or are of such a color or design as to act as a sign or to direct attention.

D. Projection of Signs. Wall signs may project up to twelve (12") inches from the surface upon which they are mounted. Wall signs may not project above or beyond a roof or parapet line. Freestanding roof signs are not permitted. Signs are not allowed to extend beyond the property line.

E. Height of Signs. The sign height is the distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration). Ground signs shall not exceed six (6') feet in height, except that ground signs located within a corner clearance area as defined in Article 6, shall not exceed a height of thirty (30") inches. No wall sign shall extend above the eaves of a pitched roof or above the roofline of a flat or mansard roof. The ground or pavement below a sign shall not be artificially altered with the effect of increasing sign height.

F. Setback. Freestanding signs shall be setback a minimum of fifteen (15') feet from any setback line, except as follows:

1. Where there exists a pattern of pre-existing legal non-conforming freestanding signs set back less than the required minimum on the same side of the street, then the minimum setback shall be reduced to the average setback of the nearest three (3) freestanding signs within 1,500 feet in either direction on the same side of the street. This exception shall only apply when there is an existing building on the lot upon which the freestanding sign is to be placed.

No such signs shall overhang public property.

G. Quantity. Unless otherwise permitted or prohibited herein, no more than one (1) freestanding sign shall be permitted on any one (1) lot, or unified development site, such as a shopping center, which may contain multiple lots. On corner lots, one (1) free standing sign may be permitted on each road frontage unless otherwise prohibited herein.

H. Prohibited Signs. To better promote traffic safety, prevent blighting influences, promote desired community character, preserve the desired aesthetic atmosphere of the

community, and otherwise accomplish the purposes set forth herein according to the standards and objectives enumerated herein, the following signs are prohibited:

1. Moving signs or animated signs, devices or figures.

2. Inflatable devices such as balloons, product representations or similar devices, except as otherwise permitted in this Ordinance.

3. Beacon lights or search lights.

4. Festoon signs, such as a hanging garland of flowers, leaves, papers, flags, pennants or streamers.

5. Banners, except as specifically provided in this Ordinance.

6. Signs painted on or attached to vehicles that are parked on premises so as to be visible from a public right-of-way.

7. Roof signs, being signs erected upon a roof, or wall signs projecting above the eaves of a pitched roof or above the roofline of a flat or mansard roof, except as specifically permitted in this Ordinance.

8. Projecting or overhanging signs may only be permitted for uses within the Commerce Village Overlay Area and Town Center Overlay as designated in this Ordinance.

9. Signs which contain words or representations of an obscene, indecent, or immoral character such as may offend public morals or decency.

10. Signs which are of a size, location, coloring, manner of illumination, or general appearance which may be construed as a traffic control device; or which hide from view a traffic control device.

11. Neon lights, string lights or other devices that are designed to outline all or part of a building, except decorative lights as regulated in Article 31.

12. Window signs, except as permitted in this Ordinance.

13. No sign shall be placed on public property or in the public right-of-way, except as permitted in this Ordinance.

14. Any sign, banner, or other media attached to a tree or utility pole, except signs posted by a utility company, which owns the utility pole.

15. Signs with missing letters, non-functioning illumination elements or peeling or faded paint, or which are worn or damaged or otherwise difficult to read.

16. Signs not maintained in compliance with issued permits.

17. Pole or pylon signs.

18. No sign shall be placed within a corner clearance area as defined in Article 6.

19. Digital or LED signs, except as otherwise provided in this Ordinance.

20. Banners over public roadways.

21. Signs which include any booby-trap, spring trap, spring gun, razor blades, cutting edges, or any element either intended to, or likely to, maim or injure a person or animal.

22. Any sign not expressly permitted by this Ordinance.

SECTION 30.03. SITE SPECIFIC SIGN STANDARDS

A. Standard Temporary Sign. A single non-illuminated temporary sign may be displayed at a non-vacant parcel in accordance with the following:

1. **All districts except B, TLM and I Districts.** Standard Temporary Signs shall not exceed six (6) square feet in size, and thirty (30”) inches in height.

2. **B, TLM, and I Districts.** Standard Temporary Signs shall not exceed thirty-two (32) square feet in size and six (6’) feet in height.

B. Election Date Temporary Signage. In accordance with the following, additional non-illuminated signage may be displayed at a parcel 45 days before an election or at any time between a primary and general election. Such sign or signs must be removed within 15 days after the display period has expired.

1. **All districts except B, TLM and I Districts.** The total amount of area of Election Date Temporary Signage shall not exceed twelve (12) square feet in size, and the height of a sign shall not exceed four (4’) feet.

2. **B, TLM, and I Districts.** The total amount of area of Election Date Temporary Signage shall not exceed twenty-four (24) square feet in size, and the height of a sign shall not exceed six (6’) feet.

C. Parcel Temporary Sign. In accordance with the following, a single additional non-illuminated temporary sign per parcel may be displayed only during times when the parcel on which the sign is located is being offered for sale or lease. A parcel shall be considered as being “offered for sale or lease” for purposes of this section if a Multiple Listing Service (MLS) number has been assigned. Such sign shall be removed within thirty (30) days after sale or lease of property, or in the case of rental property, thirty (30) days after final occupancy has been issued to the entire development for the first time.

1. **All districts except B, TLM and I Districts.** Parcel Temporary Signs shall not exceed six (6) square feet in size and four (4’) feet in height.

2. **B, TLM, and I Districts**. Parcel Temporary Signs shall not exceed thirty-two (32) square feet in size and six (6') feet in height.

   a. The sign may be a wall or ground sign.

D. Property Development Temporary Sign. At parcels proposed for rezoning, under construction or residential developments not yet fully occupied, one (1) additional temporary non-illuminated ground sign having a total area not to exceed thirty two (32) square feet and not exceeding six (6') feet in height may be permitted until thirty (30) days after a rezoning determination has been made, construction has been completed, full occupancy of the development (or for a period of time not to exceed four (4) years on the site of a development), whichever is less.

E. Site Entryway Sign. Site entry features with signage may be erected at the entrance to a residential subdivision, condominium or multiple-family development; elderly or senior housing development; manufactured housing park; or office, research or industrial park, subject to the following (see illustration):

Standards	**Site Entry Features with Signage**
Maximum number of permitted signs	Two (2) signs per entrance from a public road classified as a collector, arterial or thoroughfare by the transportation plans for the Road Commission for Oakland County or Michigan Department of Transportation.
Minimum required setbacks	Ten (10) feet from any road right-of-way or curbline of any internal access drive.
Maximum sign area	32 square feet.
Maximum sign height	6.0 feet.
Method of illumination	External light sources only.

F. Special Event Signs.

The following temporary signs may be displayed:

1. Signs located upon the site of a special event may be permitted for a period not to exceed: 1) fourteen consecutive days annually, or 2) two seven day periods annually.

G. Closed Road. One temporary ground sign, located upon or adjacent to a closed road, not exceeding twelve (12) square feet and six (6') feet in height, may be displayed for any establishment affected by the closing of the primary means of public access to the

property for the duration of the road closure. A Closed Road Sign shall require a sign permit.

H. Private Traffic Signs. Any site that contains privately maintained pedestrian or vehicle thoroughfares may erect one (1) Private Traffic Sign per fifty (50') feet of thoroughfare and one (1) sign per entryway into a thoroughfare intersection which is no larger than eight (8) square feet in area and six (6') feet in height. For purposes of this Section a "thoroughfare" shall include designated lanes for vehicle travel but shall not include those areas designated for the parking of vehicles, nor the lanes for travel between parking spaces.

I. Multiple-Exposure of Building Facades. One (1) additional wall sign for a building on non-residential property located on the corner of, or with exposure to, two (2) or more roads, may be displayed provided the following conditions are met:

1. Land use on the opposite side of the road from the sign is non-residential.

2. With conventional signage, identification of the building would be difficult from one (1) or more views.

3. The total area of the primary wall sign and the additional wall sign cannot exceed one square foot of signage per linear feet of building frontage, as measured on the elevation that corresponds to the address of the structure. The maximum total area of signage for all wall signs shall not exceed two hundred (200) square feet.

4. The additional sign shall be so located that identification of the building is visible from the non-residential public right-of-way from which it would otherwise be unidentifiable.

J. Gas Stations. Additional signage located at parcels where gasoline is lawfully offered for sale to the public may be displayed, provided the following conditions are met.

1. Gasoline Pump Signs. One additional sign shall be permitted to be affixed to each gasoline pump, subject to the following conditions:

   a. The sign shall not exceed two (2) square feet in area.

   b. The total number of pumps notwithstanding, the total area of all such signage on any property shall not exceed twenty (20) square feet.

   c. All such signs shall conform in all other respects to the standards imposed by this Ordinance, including but not limited to, standards for illumination.

   d. Digital signs may be permitted and may display moving images and video, provided that the displays are oriented and/or screened such that the image shall not be visible from any road right-of-way.

K. Building with Awnings and Canopies. Signs on awnings and canopies in commercial, office, and industrial districts shall be permitted, subject to the following standards.

1. **Coverage.**

   The total area of the lettering and logo shall not exceed twenty-five (25%) of the total area of the awning or canopy that is visible from the road.

2. **Compliance with Size Requirements for Wall Signs.**

   The area of signs on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

3. **Projection.**

   Limitations imposed by this Ordinance concerning projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which they are located.

SECTION 30.04. DISTRICT STANDARDS.

A. Signs in R, RM, and MHP Districts. The following signs which shall be permitted in all R, RM, and MHP zone districts at a non-vacant parcel:

1. One family and two family residential dwellings with lawful home occupations shall be permitted one (1) non-illuminated wall sign not exceeding a total area of (1) square foot mounted to the wall of the principal building.

2. Multiple family residential shall be permitted one (1) ground sign not to exceed a total area of thirty-two (32) square feet in size.

3. Non-residential uses shall be permitted one (1) freestanding ground sign not to exceed thirty-two (32) square feet in total area for each lot or unified development site and further shall be permitted one (1) wall sign as provided this Article.

4. A bed and breakfast facility is permitted one (1) wall or ground sign with a total area not to exceed twelve (12) square feet, which complies with this Article.

B. Signs in SP Districts. The following signs shall be permitted for uses within an SP zone district at a non-vacant parcel:

1. Freestanding Signs. One (1) ground sign not to exceed a total area of thirty-two (32) square feet for each lot or unified development site.

2. Wall Signs: One (1) wall sign not to exceed one (1) square foot for each linear foot of building frontage identifying the building name.

C. Signs in O Districts. The following signs shall be permitted for uses within an O zone district at a non-vacant parcel:

1. Wall or Freestanding Signs. One (1) ground sign not to exceed thirty-two (32) square feet in area for each lot or unified development, identifying the building name or address, or one (1) wall sign, not to exceed one (1) square foot for each foot of linear building frontage identifying the building name only.

2. Window Signs. Window signs are not permitted in the O zone district.

D. Signs in B, TLM, and I Districts. The following signs shall be permitted for uses within B, TLM, and I zone districts at a non-vacant parcel:

1. Freestanding Signs. One (1) ground sign for each frontage on a major thoroughfare not to exceed thirty-two (32) square feet in area for each lot or unified development site and shall not be greater than six (6) feet in height. Where more than one (1) tenant shares a building, only one (1) freestanding sign shall be permitted.

2. Wall Signs. Wall signs shall be permitted provided that the following conditions are met:

    a. One (1) wall sign not to exceed a total area of one (1) square foot for each one (1) lineal foot of building frontage shall be permitted for each building. Where more than one (1) tenant shares a building, one (1) wall sign shall be permitted per tenant, provided that the total area of all signs shall not exceed one (1) square foot of sign area per one (1) lineal foot of building frontage. The maximum area for any single sign shall not exceed two hundred (200) square feet except that a building located more than six hundred (600') feet from the frontage road may be identified by letters up to five (5') feet in height with a total sign area greater that two hundred (200) square feet, but not greater than the area required to enclose those letters, and in no event greater than the lesser of five hundred (500) square feet or one (1) square foot for each one (1) lineal foot of building frontage. For buildings having less than twenty (20) lineal feet of building frontage, a sign not to exceed twenty (20) square feet is permitted. A building having corner lot frontage on two (2) public roads shall have only one (1) wall sign. A building with over two hundred (200) lineal feet of building frontage that has a secondary tenant (as defined herein) may have up to two (2) additional wall signs on the addressed side of the building not to exceed twenty (20) square feet per secondary tenant provided that the total sign area does not exceed the maximum sign area permitted, as described above.

    b. Wall signs shall be permitted on those sides of buildings not adjacent to a road under the following conditions:

        i. On the rear door of any building or unit in a multiple tenant building, one (1) wall sign not to exceed a total area of two (2) square feet

shall be required on the door to identify the occupant and address for emergency personnel. Such sign shall not be internally illuminated.

ii. A building in a B zone district with more than one (1) tenant will be permitted one (1) wall sign for each tenant not having exterior walls adjacent to the road, which sign shall be located on the wall not adjacent to the road but adjacent to an on-site parking lot and enclosing the main public entrance for each such tenant. The total area of such signs shall not exceed one (1) square foot for each lineal foot of building frontage on the side of the building facing the parking lot.

iii. Wall signs shall not extend beyond the parapet top or above the front, side, or rear elevation of the building.

iv. The maximum horizontal distance of the sign shall not exceed three-fourths (3/4) of the width of the building or portion thereof to be occupied by the applicant.

v. Wall signs may be internally illuminated.

3. Window Signs. Window signs will be permitted for each building or for each tenant in a multiple tenant building. The total area of such window signs shall be limited to twenty-five (25%) percent of the area of each section of window in which the signs will be placed but at no time shall such window signs exceed fifty (50) square feet for buildings having windows on two (2) or more facades. Window signs do not require a permit if displayed for thirty (30) consecutive days or less.

a. Window signs may be internally illuminated.

b. Window signs shall be considered temporary signs. If window signs are to be displayed longer than thirty (30) days a permit is required. The date of installation shall be noted on the sign in lettering clearly visible from the outside of the building.

4. Projecting Signs. For uses within the B Districts, projecting signs in lieu of a wall sign shall be permitted in the Commerce Village Overlay District, subject to the following standards (see illustration):

a. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be located away from the wall at least six (6) inches. No part of the projecting sign structure shall project above the roof.

b. Such signs shall have its lower edge at a minimum distance above grade of eight (8) feet.

c. Such signs shall project from the wall at an angle of 90 degrees.

d. One (1) projecting sign shall be permitted per use, with a maximum sign area of twenty (20) square feet per sign face.

e. Projecting signs may extend out from the building wall a maximum of four (4) feet or thirty-three percent (33%) of the sidewalk width, whichever is less.

5. Portable Signs. Portable signs are permitted on either private property or the public sidewalk, subject to the following conditions:

i. No sign shall be placed within a distance of ten (10) feet from any fire hydrant, or in any location where it would imperil public safety, as determined by the Building Director, or his/her designee, or interfere with the function of the fire department.

ii. Portable signs shall not interfere with vehicle access, pedestrian movement or wheelchair access to, through or around a site.

iii. Portable signs shall not be attached to a tree, light pole, traffic sign or other sidewalk obstruction.

iv. Portable signs shall not be located on any publicly owned property or within any public road right-of-way.

v. Portable signs shall be removed when weather conditions create potentially hazardous conditions.

vi. If public improvements or utility work necessitates the removal of a portable sign, the owner shall remove the sign immediately upon request. If the owner fails to remove the sign, the Township, its agents or representatives, may remove the sign, and the owner will forfeit all rights to its return.

vii. There shall be a maximum of one (1) portable sign per building per road frontage. Where more than one tenant shares a building, each tenant shall be permitted one (1) portable sign.

viii. All portable signs shall be located a minimum of twenty-five (25') feet from any other portable sign.

ix. When a portable sign is located on a sidewalk or similar pedestrian access area, a clear path of five (5) feet must be maintained at all times.

x. Each sign shall be placed outside only during daytime hours.

xi. Portable signs shall not have more than two (2) sign faces.

xii. The following design requirements shall apply to all portable signs:

1. Portable signs shall be made of wood or decorative metal or other comparable, weather-proof high-quality material, with cast iron or decorative metal brackets.
2. The use of paper or cloth is not permitted unless located within a glass or plastic enclosure. Plastic, high density foam board, OSB or similar materials are prohibited unless approved by the Building Director and Planning Director.
3. Portable signs on wheels and the use of plastic sign bases and frames shall be prohibited.
4. Portable signs that incorporate banners, flags, balloons, streamers, or pennants shall be prohibited.
5. Portable sign lettering, excluding that which is part of a logo, shall be between 2 to 4 inches high.
6. Changeable letters or individually applied changeable marquee letters shall be prohibited.
7. Temporary hand lettering will be allowed only on a chalk or white board section of a sign. This chalk or white board section may be on one or both sides of the sign.
8. Portable sign designs shall be uncluttered and have minimal text; logos and graphics are encouraged and are not subject to the aforementioned lettering height maximum of 2”-4”.
9. Portable signs shall not be illuminated or have any moving parts or other electronic devices.
10. The sign shall be kept in good repair at all times.

xiii. No portable sign shall exceed an overall height of forty-five (45) inches or an overall width of twenty-four (24) inches. The maximum height of the sign area shall be thirty-six (36) inches. Sign supports may be a maximum of nine (9) inches in height. The maximum sign area per portable sign is six (6) square feet.

xiv. Portable signs must receive a permit from the Township Building Department. Permits are valid for a period not to exceed twelve (12) months.

E. Signs in ULR, HRC, TC, and CV Overlay Districts. All signs within the ULR, HRC, TC, and CV zone overlay districts shall comply with the provisions of this Article, except as specifically provided otherwise in this Ordinance.

SECTION 30.05. SIGN PERMIT.

It shall be unlawful for any person to erect, alter or relocate any sign, sign structure or sign area subject to permit or approval under the provisions of this Article, without first obtaining

appropriate permit(s) and/or approvals from the Township and paying the required permit fee according to the Fee Ordinance adopted by the Township Board.

A. Sign Permits.

Except as otherwise provided herein, no sign shall be erected without a valid sign permit. Sign permit applications are submitted to the Building Department. Unless otherwise indicated, temporary signs shall not require a sign permit.

For new developments, sign location shall be shown on site plans and building elevations and shall be approved by the Building Department.

Application fees for sign permits are set forth in the Township Fee Ordinance and shall be paid prior to the issuance of a permit.

B. Required Information for Sign Permit Applications.

The following shall be provided with any sign permit application:

1. Application information. Permit applications shall include the following information:

    a. The name, address, and telephone numbers for the applicant, property owner, and sign contractor; street address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.

    b. Where a proposed sign would encroach into a road right-of-way, copies of permits or approvals from the Township Board and any other agency with jurisdiction.

    c. Written permission from the landowner to display the proposed sign (if the applicant does not own or lease the property where the proposed sign is to be displayed).

    d. Any other information required by the Building Director to show full compliance with this Article and other sections of this Ordinance.

2. Plot plan. A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the lot or unified development parcel. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.

3. Sign details. Specifications and drawings showing the materials, design, dimensions, structural supports, and method of illumination.

4. License and insurance. Every person who engages in the business of erecting, altering or dismantling signs in the Township shall first submit proof of appropriate licenses or certifications.

5. Removal agreement or performance guarantee. The Building Director may require a signed removal agreement or performance guarantee to guarantee the future removal of a sign.

SECTION 30.06. NONCONFORMING SIGNS.

All existing signs that do not conform to the provisions of this Article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this Article and Ordinance. Nonconforming signs shall be subject to the following:

A. Good Working Order.

Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact and illuminated signs shall be capable of immediate illumination.

B. Servicing.

Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in this Article

C. Alterations.

Alterations to nonconforming signs shall be prohibited, except as follows:

1. Sign copy area. The sign copy area of a nonconforming sign may be altered, including replacement of sign face, panels and changes to the sign copy, provided that the degree of nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of this Article (Illumination).

2. Sign frame or structural elements. Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, subject to the following:

   a. The sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this Ordinance.

   b. Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback.

SECTION 30.07. SIGN REMOVAL BY TOWNSHIP ACTION.

A. Unlawful Signs.

The Building Director shall have the authority to determine whether a sign is unlawful, subject to appeal by an aggrieved person, to the Zoning Board of Appeals. The Building Director may order the removal of such signs in accordance with the following:

1. Determination. Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.

2. Removal. Unlawful signs shall be removed by the Owner within 30 days after notification of a determination and order for removal by the Building Director. All support structures and components shall be completely removed.

    a. Failure to remove the sign within 30 days after notice shall constitute grounds for the Township to exercise any and all legal rights, causes of action, and enforcement measures legally available to remove the sign at the property owner's expense.

    b. The owner shall reimburse the Township for removal costs, including legal expenses, or the Township may place a lien on the property for necessary removal expenses.

B. Damaged Signs.

Signs determined to be in a damaged condition by the Building Director shall be repaired or removed by Owner within 15 days after notification to Owner by certified mail.

1. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located and an appeal has not been taken as provided for in this Ordinance, the Building Director shall have the authority to order the repair or removal of the damaged sign.

2. The owner shall reimburse the Township for repair or removal costs, including legal fees and expenses, or the Township may place a lien on the property for such expenses.

C. Unsafe Signs.

The Building Director may order the removal of any sign determined to be unsafe without prior notice.

1. After removal, the Building Director shall notify the property owner by certified mail of the action taken and the reasons for the action. If the owner does not reclaim the removed sign within fifteen (15) days of the date of notice, the Township may dispose of the sign.

2. The owner shall reimburse the Township for removal, storage, and disposal or reclamation costs, including legal fees and expenses, or the Township may place a lien on the property for such expenses.

D. Nonconforming Signs.

The elimination of nonconforming signs in the Township is hereby declared to be for a public purpose and for a public use. The Township may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of the requirements this Article imposes on nonconforming signs.

E. Temporary Signs.

Temporary signs affixed within a road right-of-way or corner clearance area or Township owned property, without a valid permit, or after permit expiration may be removed by the Township without notice. Signs removed shall be discarded.

SECTION 30.08. APPEALS AND VARIANCES.

A. Appeals. Appeal from the ruling of any department or administrative officer concerning the issuance of a permit or the removal of an unlawful sign pursuant to this Article may be made by any aggrieved party within thirty (30) days of the ruling to the zoning board of appeals, sitting as an appeal board under this Article.

B. Variances. Notwithstanding anything contained in this Zoning Ordinance, requests for nonuse sign variances shall be granted only in accordance with the standards set forth in this Section 30.08.B. The Zoning Board of Appeals (ZBA) shall not have the authority to grant use variances for signs. The ZBA shall not have the authority to grant exceptions (as described under Section 41.10 of this Zoning Ordinance) to the restrictions set forth by this Ordinance.

1. Following the receipt of a written request for a nonuse variance, the ZBA shall schedule a hearing on the request within 90 days.

2. A nonuse variance shall be granted only where the Zoning Board of Appeals determines that the variance applicant has demonstrated a practical difficulty in complying with the provisions of this Ordinance For purposes of this Article, a practical difficulty is established where the variance applicant demonstrates the existence of natural or artificial features of the applicant's property, which obstructs the visibility of the sign from the primary right of way adjacent to the parcel where the sign is proposed and cannot be practically removed or mitigated through the applicant's own reasonable efforts. A practical difficulty must not be self-created.

SECTION 30.09. SUBSTITUTION.

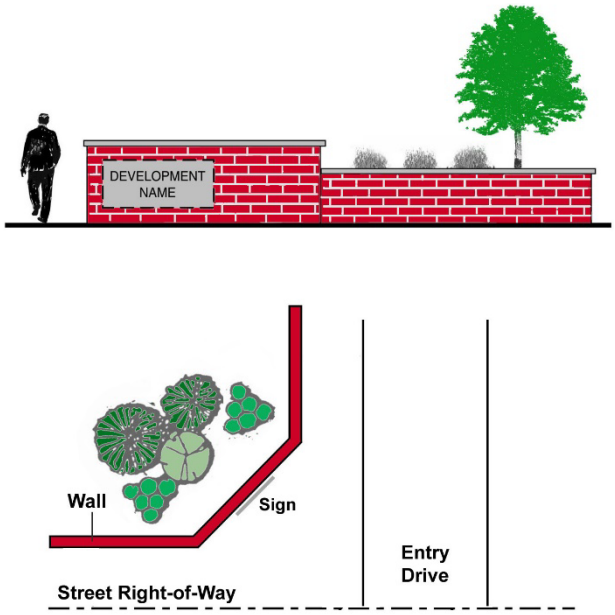
Notwithstanding anything contained in this Article or Zoning Ordinance to the contrary, any sign authorized to be displayed by this Ordinance may contain any non-commercial message. The sign

face may be changed from commercial to noncommercial messages, or from one noncommercial message to another noncommercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback, and other dimensional criteria contained in this Ordinance have been satisfied, and appropriate permits (if required) have been issued and the sign is otherwise in compliance with state law.

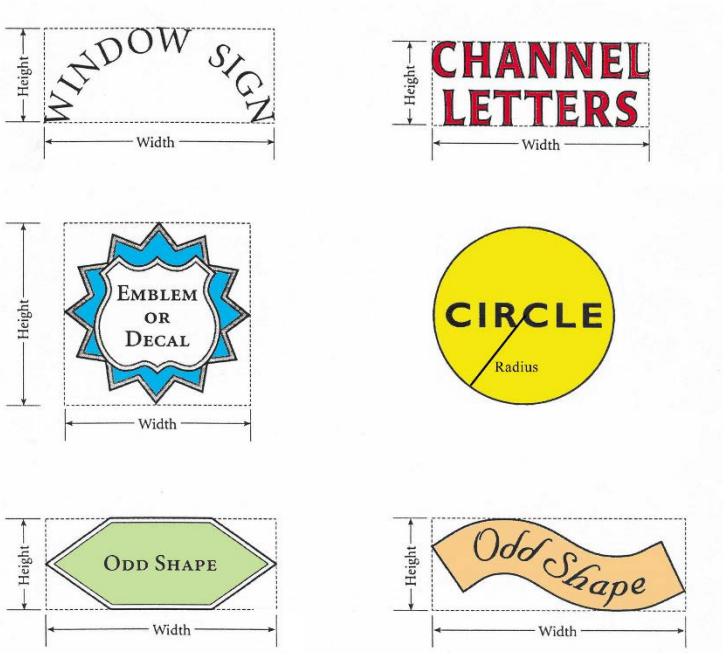
SECTION 30.10. SEVERABILITY.

Without diminishing or limiting in any way any other declaration of severability in this Zoning Ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such invalidity or unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

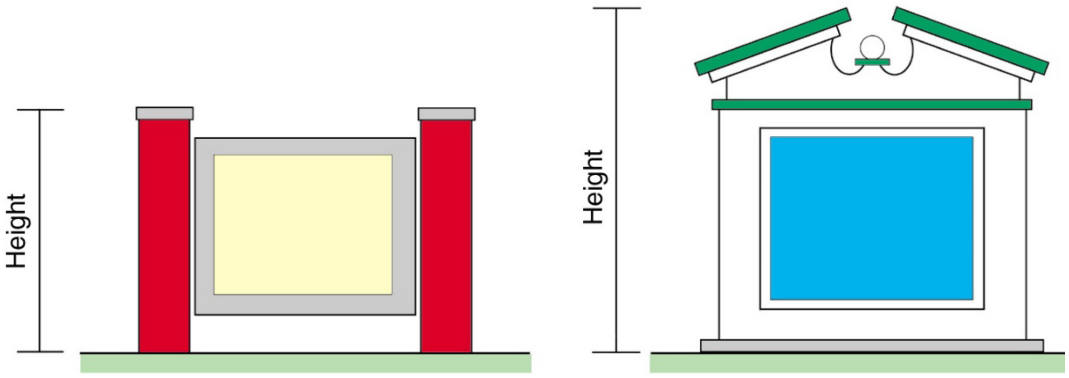
ILLUSTRATIONS



Site Entry Feature with Signage

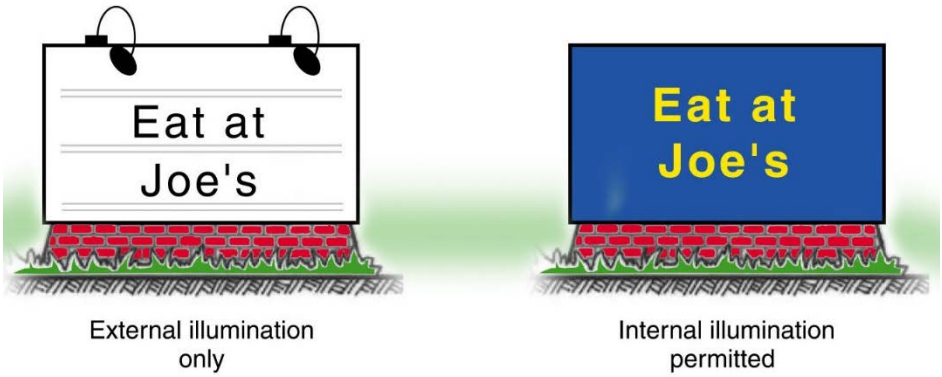


Computation of Sign Area



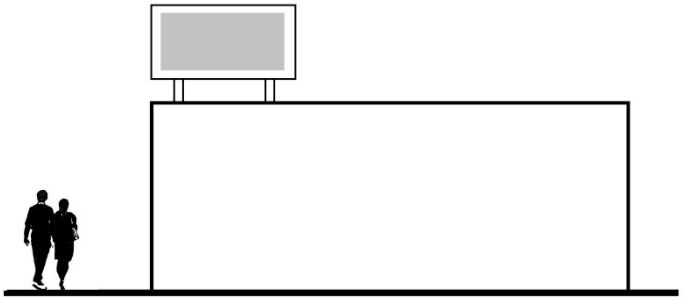
Sign Height

ILLUSTRATIONS



Sign Illumination

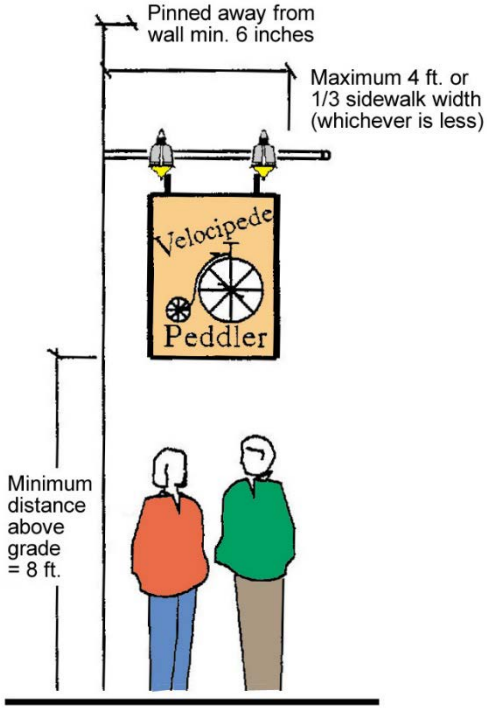
ILLUSTRATIONS



Roof Sign

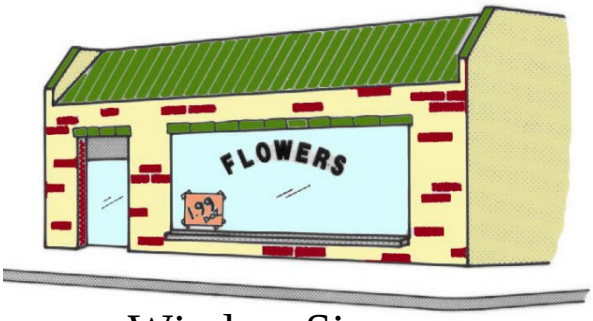


Portable Signs

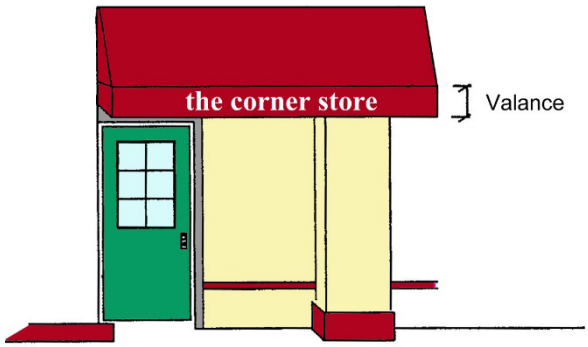


Projecting
Sign Detail

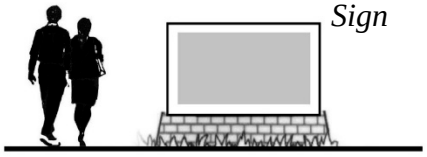
ILLUSTRATIONS

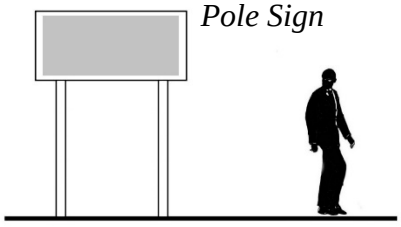


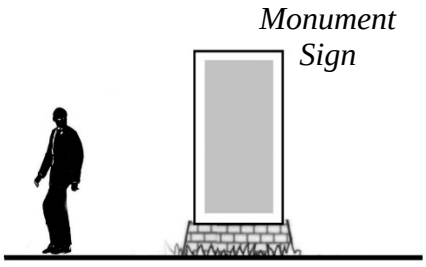
Window Sign

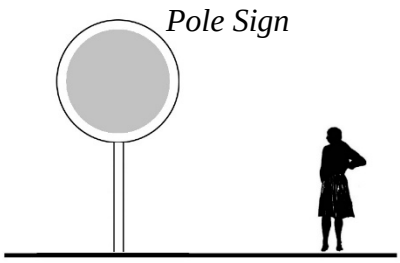


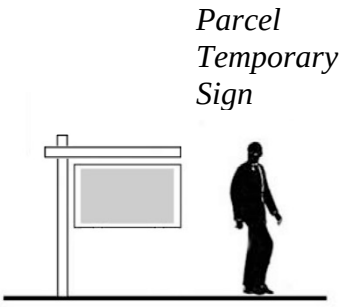
Awning Sign











ARTICLE 31

EXTERIOR LIGHTING

SECTION 31.01. Purpose

The purpose of this Article is to preserve the safe and appropriate nighttime use and enjoyment of all properties in the Township through the establishment and enforcement of reasonable and consistent exterior lighting standards. Exterior lighting shall be designed, installed, and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment.

The standards of this Article are intended to protect the general welfare by allowing sufficient (but not excessive) lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the Township, particularly at points of ingress and egress.

SECTION 31.02. Scope

The standards of this Article shall apply to all exterior lighting sources, and to all light sources visible from any road right-of-way or adjacent lot.

SECTION 31.03. General Provisions

The following general standards shall apply to all light sources regulated by this Article:

A. Fully-Shielded

Exterior lighting shall be fully shielded using concealed source fixtures directed downward and away from adjacent lots and road rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).

B. Glare and Light Trespass

Exterior lighting shall be designed, constructed, and maintained in a manner that minimizes off-site glare, light trespass on neighboring lots, and traffic hazards for motorists.

C. Lamp Wattage

Lamp wattages and types shall be consistent with the fixture's style and function, as follows:

1. Fixtures in parking lots and high traffic areas shall use low or high-pressure sodium, metal halide or similar lamp types with maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade. A maximum of 400 watts per fixture shall be permitted for fixtures exceeding 20 feet in height above grade.

2. Decorative exterior light fixtures shall be limited to lamps with a maximum wattage of 100 watts per fixture.

D. Intensity

The maximum intensity of light within any site shall not exceed the following standards:

LIGHT INTENSITY	MAXIMUM (footcandles)
At any point within the site	10.0
Average for the overall site	5.0
At any lot boundary or road right-of-way line	1.0

1. **Outdoor dealership sales area lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point within a dealership outdoor sales area, provided that all site lighting is otherwise in compliance with this Ordinance.

2. **Pump island canopy lighting.** The Planning Commission may permit a maximum lighting intensity of 20.0 footcandles for any point under a gas station's pump island canopy; provided that all light fixtures under the canopy shall be fully recessed into the canopy structure and all site lighting is otherwise in compliance with this Ordinance (see illustration).

E. Measurements

Measurements of exterior lighting height and intensity shall be made in accordance with the following:

1. Light intensity levels shall be measured on the horizontal plane at grade level within the site.

2. Light intensity levels shall be measured on the vertical plane of the lot or road right-of-way boundaries at a height of five (5) feet above grade.

3. Fixture height shall be measured from grade level to the highest point of the light source (see illustration).

F. Submittal Requirements

The following exterior lighting information may be required by the Planning Commission or Planning Director with any site plan, site condominium plan, subdivision plat or zoning permit application where exterior lighting is proposed to be altered or installed:

1. The location, type, and height of all existing and proposed light fixtures.

2. A photometric grid measuring the overall light intensity within the site in footcandles.

3. Manufacturer's specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

SECTION 31.04. Standards by Type of Fixture

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of Article 31 (General Provisions):

A. Freestanding Pole Lighting

Maximum overall height. The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:

Fixture Location	Maximum Height
Less than 50 feet from a residential district or use	15 feet
50 feet to 300 feet from a residential district or use	20 feet
More than 300 feet from a residential district or use	25 feet

B. Architectural Lighting

Architectural lighting shall be subject to the following:

1. **Facade illumination.** Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the wall surface.

2. **Accent lighting.** Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The Planning Commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such

lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.

C. Window Lighting

All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible through the window from a public right-of-way or adjacent property.

D. Illuminated Signs

Sign illumination shall conform to the provisions of Article 30.

SECTION 31.05. Prohibited Lighting

The following types of exterior light sources and activities shall be prohibited:

A. Mercury vapor lighting. The installation of mercury vapor fixtures shall be prohibited.

B. Animated lighting. Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting, except that electronic reader boards may be permitted on Township owned property to advertise Township events or information.

C. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

D. Searchlights. The operation of searchlights for advertising purposes is prohibited.

SECTION 31.06. Exempt Lighting

The following types of exterior lighting shall be exempt from the requirements of this Article, except that the Building Director may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety, and welfare of the public:

A. Holiday decorations displayed for temporary periods not to exceed 60 calendar days within any 6 month period.

B. Lighting for a permitted temporary circus, fair, carnival, or civic use, or as otherwise permitted in this Ordinance.

C. Shielded pedestrian walkway lighting, and single family residential lighting that does not cause off-site glare or contribute to light pollution.

D. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Article, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.

E. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

SECTION 31.07. Alternatives and Substitutions

Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this Article and the following:

A. Decorative Light Fixtures.

The Planning Commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.

B. Alternative Lighting Designs.

The Planning Commission may approve an alternative lighting design, provided that the Commission finds that the design would be in accordance with the purpose of this Article.

C. Fixture Alteration or Replacement.

Light fixtures regulated by this Article shall not be altered or replaced after approval has been granted, except where the Building Director has verified that the alteration or replacement would comply with the provisions of this Article.

SECTION 31.08. Exceptions

It is recognized by the Township that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this Article. The Zoning Board of Appeals (ZBA) may waive or modify specific provisions of this Article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

A. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in Article 34 (Public Hearing Procedures).

B. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance, or site.

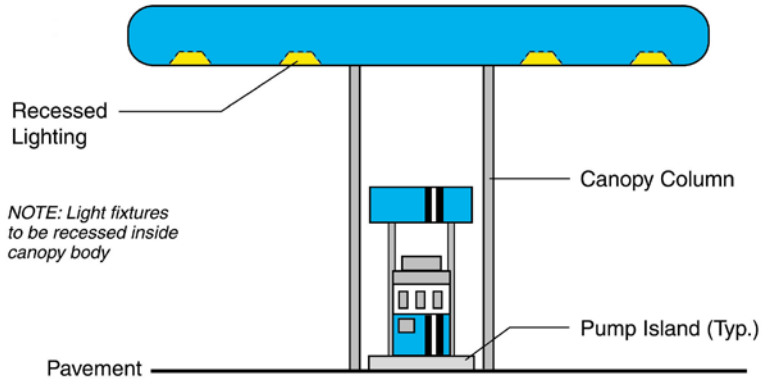
C. The minimum possible light intensity proposed is adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass onto neighboring properties or road rights-of-way.

D. For lighting related to roads or other vehicle access areas, a determination must be made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.

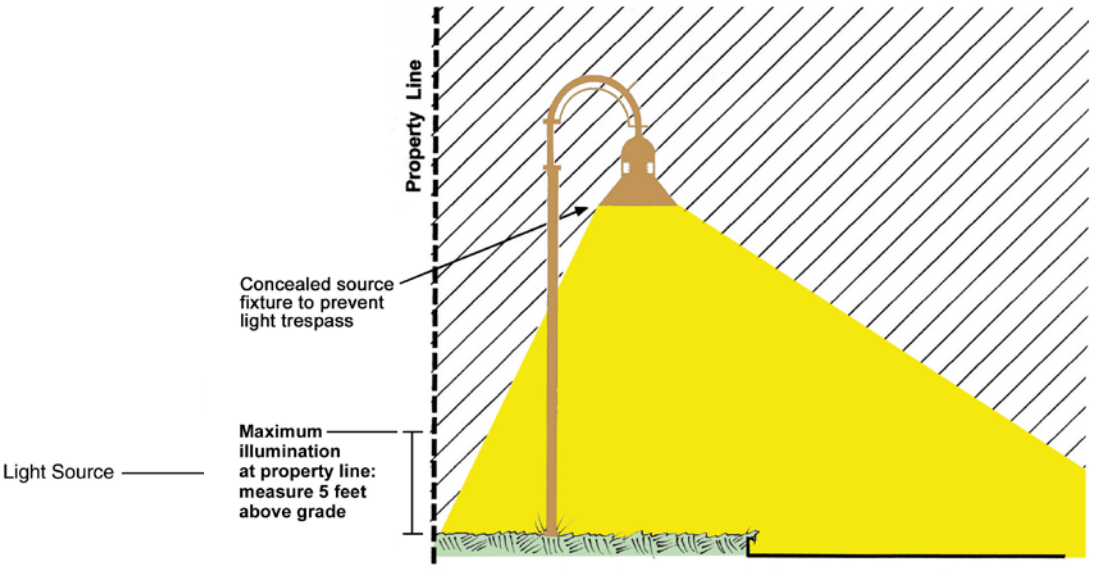
E. Additional conditions or limitations may be imposed by the ZBA to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this Article.

m:\ctc\zoning ordinance\current ordinance\article 31 - exterior lighting.doc

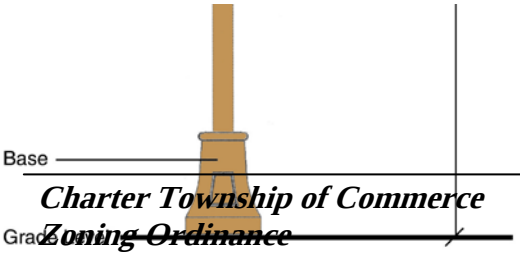
ILLUSTRATIONS



Pump Island Canopy Lighting



Lighting Fixture Orientation and Shielding



Light Fixture Height

ARTICLE 32

SPECIAL DEVELOPMENT PROVISIONS

SECTION 32.01. Approval of Land Divisions

Land divisions shall comply with the requirements of the Land Division Act (P.A. 288 of 1967, as amended), and the Commerce Charter Township Code. The resulting parcels shall conform to the requirements of this Ordinance.

SECTION 32.02. Protection of Wetlands and Bodies of Water (2015-03-25)

A. A setback of twenty five (25) feet shall be maintained from the edge of any stream, pond, lake or other body of water and from the edge of any regulated wetland. Such setbacks shall be measured from the top of the bank or other defined edge. No buildings or other structures shall be constructed within said setback.

B. The following improvements may be permitted within the required setback noted above, subject to Planning Commission approval, provided that the permitted improvements are setback a minimum of twenty-five (25) feet from the edge of any stream, pond, lake or other body of water and fifteen (15) feet from the edge of any wetland:

1. Passive recreational improvements which are:

    a. Recreational above-ground structures such as trails, boardwalks, decks and observation platforms;

    b. Flush ground surface structures such as in-ground patios and sandboxes; and

    c. Temporary movable structures such as swing sets, fire pits and ground set decking.

2. Detention basins and similar stormwater management facilities provided that appropriate replacement plantings are provided and maintained.

C. The requirements of this section shall not apply:

1. To new construction on unimproved property consistent with a site plan approved prior to the adoption of this section if the Planning Commission determines:

    a. The application of this section would render the property unbuildable because of the application of other provisions of this section; or

    b. The requirements of this section would preclude proposed construction identified on a site plan approved for the property prior to the adoption of this ordinance.

    or

2. When the Michigan Department of Environmental Quality or its successor has issued a permit to encroach upon or fill a regulated wetland to which the setback requirement of this section would otherwise apply.

SECTION 32.03. Water Supply and Sanitary Sewers

Where required by the Commerce Charter Township Code, buildings shall be provided with an adequate source of potable water and adequate sewer or septic system facilities, subject to the approval of the Building Official.

SECTION 32.04. Sidewalks

A. Purpose and Scope

To provide for a continuous network of sidewalks and pedestrian paths; ensure safe and convenient pedestrian and non-motorized travel; and improve barrier-free access to sites in Commerce Township, it shall be the policy of the Township to require the installation, extension or modification of public sidewalks and sidewalk connections to primary building entrances to serve uses and developments subject to site plan approval per Article 35 (Site Plan Review), condominium site plan approval per Article 37 (Condominium Regulations) or planned unit development approval per Article 38 (Planned Unit Developments).

SECTION 32.05. Residential Cluster Option (2015-03-25)

A. Purpose and Intent

It is the purpose of this subsection to encourage more imaginative and liveable housing environments within the One Family Residential Districts through a planned reduction or averaging of the individual lot area requirements for each zoning district provided the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or groups of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit rather than an aggregation of individual buildings located on separate unrelated lots and/or parcels. Under these conditions, a special land use may be granted to allow for the construction and occupancy of a cluster housing development provided the development complies with the standards and requirements set forth in this section.

B. General Requirements

1. Cluster Housing developments shall contain a minimum of ten (10) acres of lot area exclusive of wetlands, floodplains, and other unbuildable areas.

2. Cluster Housing developments shall comply with all requirements of Article 35, Site Plan Review.

3. Cluster Housing developments shall adhere to all other requirements pertaining to height, bulk, minimum floor area or other aspects of development in the R-1A zoning district.

4. Ingress and egress to a major thoroughfare shall be kept to a minimum. All interior roads within and exclusively serving the cluster housing development shall be designed and constructed to the requirements of the Road Commission for Oakland County and dedicated as public roads

C. Submitted Plans

1. The following items shall be clearly drawn and identified on all plans submitted to reviewing and approving entities:

   a. All open space to be preserved.

   b. The exact limits of disturbance, including, but not limited to: grading, roads, and utilities.

   c. Existing vegetation to be preserved and/or removed.

   d. All open space preservation area staking and signage, which is required to be actively maintained on-site throughout the project.

D. Utilities

1. Public utilities may be permitted within the roadside open space preservation area provided the Planning Commission specifically finds that the proposed utilities will not significantly diminish or destroy the natural vegetation intended for preservation by this Section. Unless it is demonstrated to be impractical, directional boring of utilities shall be required in the roadside preservation areas.

2. Any utilities located within the preserved open space shall be placed underground unless approved by the Planning Commission.

E. Permitted Housing Types

Housing types in a cluster housing development shall be limited to single family detached units.

F. Lot Area and Density

The permitted net density within a cluster housing development shall not exceed the limits set forth in the following table:

Zoning District	Maximum Net Density	Minimum Lot Size
R1-A	2.2	15,000 sq.ft.
R1-B,C, and D	3.5	9,000 sq.ft.
R-2	4.5	7,200 sq.ft.

G. Size and Location of Permanently Preserved Open Space

For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be set aside under legal encumbrances for common open space use of the home or lot owners within the cluster housing development assuring that the required open space remains open and is properly maintained. Any area to be dedicated for public park, recreation or open space shall be subject to the approval of the Commerce Township Board, after review and recommendation by the Planning Commission, for minimum size, shape, location, and to assess the character of any improvements and for assurance of the permanence of the open space and continued maintenance thereof.

H. Lot Area

1. Lot area may be reduced by an amount not to exceed twenty five (25%) percent of the minimum required lot area.
2. All land area gained through lot reduction shall be located within one or more common open space areas.
3. Land within actual or phantom lot lines shall not be credited as open space.
4. Wetland areas shall not be credited as open space.

I. Lot Width

1. Lot width or distance between detached condominium units may be reduced by an amount not to exceed twenty (20%) percent of the minimum required lot width.

2. All land area gained through lot width reduction shall be located within the common open space areas.

J. Setbacks

1. Lot reduction will be permitted provided subsequent construction on the lot or unit complies with all setback requirements.

2. The developer shall be required to include the Township's current setback requirements in the deed restrictions for the development.

3. No building shall be located less than one hundred ten (110') feet from the center line of any thoroughfare with an existing or proposed right of way of one hundred twenty (120') feet or greater.

K. Wetlands and Watercourse Setback

The following setbacks shall be maintained from any Protected Wetlands and Watercourses, as defined in Article II:

1. A setback of twenty five (25) feet shall be maintained from the edge of any stream, pond, lake or other body of water and from the edge of any regulated wetland or open drain. Such setbacks shall be measured from the top of the bank or other defined edge. The requirements of this section shall not apply:

   a. To new construction on unimproved property consistent with a site plan approval prior to the adoption of this section if the Planning Commission determines:

      i. The application of this section would render the property unbuildable because of the application of other provisions of this ordinance; or

      ii. The requirements of this section would preclude proposed construction identified on a site plan approved for the property prior to the adoption of this section.

   or

   b. When the Michigan Department of Environmental Quality or its successor has issued a permit to encroach upon or fill a regulated wetland to which the setback requirement of this section would otherwise apply.

2. Docks, bulkheads, patios, terraces, decks, gazebos, and pathways may be permitted within the waterfront or wetland setback, subject to review and approval by the Planning Director and Building Director, upon finding that there will be no adverse impact on ground or surface waters or floodplains.

L. Design Flexibility

1. In order to provide an orderly transition of density where a cluster housing development is adjacent to a single family detached residential subdivision or site condominium project or where eighty (80%) percent of the parcels within one thousand (1,000') feet of the project site are developed with single family detached residential uses on parcels of land one-half (1/2) acre or greater in lot area the Planning Commission may require additional setback, additional screening, additional spacing between buildings, lower average density or other alternations in the development plan designed to ensure greater compatibility with

the character of surrounding development and mitigate any negative impacts of such developments.

2. In order to facilitate more imaginative design and better utilization of existing topography and tree cover conditions, the Planning Commission may permit up to a maximum of four detached single cluster housing units to be served by a single shared driveway. Said shared driveways shall be constructed as required by the Commerce Charter Township Code and shall not exceed a length of two hundred fifty (250') lineal feet as measured from the right of way of the street or road of intersection. Access to each dwelling served by a common driveway shall be provided by easement or, in the case of a site condominium, by assignment of a limited common area interest and a shared driveway agreement. Easements or assignment of a limited common area interest and a 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.

M. Ineligible Areas

1. Wetland areas as defined by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

2. Land which is within a floodplain, watercourse, drainage course or subaqueous lands not otherwise delineated, including, but not limited to those subaqueous lands beneath the waters of lakes or ponds up to the traverse line of said lakes or ponds shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

3. Detention or retention basins, pipeline easements, or public rights-of-way shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

N. Landscaping

1. A landscaped berm at least five (5') feet in height, as measured from the grade at the centerline of the road, with a maximum slope of not greater than three (3') feet of run for each one (1') foot of rise, shall be provided along the entire property line abutting a major thoroughfare. The design of the berm shall be such that the horizontal view of oncoming traffic at an intersection is not obscured. The Planning Commission may approve optional methods of screening, in lieu of a berm, when unusual topographic or other physical features make a berm impractical.

2. Streetscape and entranceway landscaping, as required under Article 29 of this Ordinance, shall be required along all roads adjacent to, or crossing, the roadside open space area.

3. Any additional landscaping of the open space area must be approved by the Planning Commission upon its review of a detailed landscape plan.

4. Existing vegetation preserved may be counted toward landscaping requirements as approved by the Planning Commission.

5. The Planning Commission may require a tree survey of any trees over six (6") inches in caliper.

6. Performance measures, as required under Article 29 of this Ordinance, shall also apply to all landscaping of roadside open spaces.

SECTION 32.06. Roadside Open Space Provision Option

A. Purpose and Intent

It is the purpose of the Roadside Open Space Option to encourage the preservation of open space along main roads and retain the semi-rural appearance of the community. Lots or units in single family detached subdivisions or detached site condominium developments may be reduced in area and/or width in exchange for preservation of open space areas along main roads.

B. Submitted Plans

1. The following items shall be clearly drawn and identified on all plans submitted to reviewing and approving entities:

   a. All open space to be preserved.

   b. All limits of disturbance, including, but not limited to: grading, roads, and utilities.

   c. Existing vegetation to be preserved and/or removed.

   d. All open space preservation area staking and signage, which is required to be actively maintained on-site throughout the project.

C. Location of Preserved Roadside Open Space

1. The open space to be preserved shall be located adjacent to a main road as listed under Article 6 of this Ordinance.

   a. If parcel(s) of land, proposed to be developed under this provision, are located adjacent to two main roads as listed under Article 6 of this Ordinance, open space shall be preserved consistent with all requirements described herein along both main roads.

b. The open space area shall run the full width of the frontage of the main road, broken only by necessary development of entry roads.

c. The Planning Commission may modify this requirement to accommodate unique site features or conditions.

D. Utilities

1. Public utilities may be permitted within the roadside open space preservation area provided the Planning Commission specifically finds that the proposed utilities will not significantly diminish or destroy the natural vegetation intended for preservation by this Section.

2. Any utilities located within the preserved open space shall be placed underground unless approved by the Planning Commission.

E. Depth

1. The open space area should be generally of uniform depth measured from the road right-of-way.

2. The depth of open space shall be a minimum of seventy-five (75) feet in addition to any required setbacks. The depth may be varied based on a landscape plan that provides sufficient landscape material to achieve the semi-rural appearance of the area as determined by the Planning Commission

F. Lot Area

1. Lot area may be reduced by an amount not to exceed twenty five (25%) percent of the minimum required lot area.

2. All land area gained through lot reduction shall be located within the roadside open space area.

3. Land within actual or phantom lot lines shall not be credited as open space.

4. Wetland area shall not be credited as open space.

G. Lot Width

1. Lot width or distance between detached condominium units may be reduced by an amount not to exceed twenty (20%) percent of the minimum required lot width.

2. All land area gained through lot width reduction shall be located within the roadside open space area.

H. Setbacks

1. Lot reduction will be permitted provided subsequent construction on the lot or unit complies with all setback requirements.

2. The developer shall be required to include the Township's current setback requirements in the deed restrictions for the development.

I. Ineligible Areas

1. Wetland areas as defined by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality which are located along main roads or within proposed roadside open space areas shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

2. Detention or retention basins, pipeline easements, or public rights-of-way shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

J. Landscaping

1. Streetscape and entranceway landscaping, as required under Article 29 of this Ordinance, shall be required along all roads adjacent to or crossing the roadside open space area.

2. Any additional landscaping of the open space area must be approved by the Planning Commission upon its review of a detailed landscape plan.

3. Existing vegetation preserved may be counted toward landscaping requirement as approved by the Planning Commission.

4. Planning Commission may require a tree survey of any trees over ten (10") inches in caliper.

5. Performance measures, as required under Article 29 of this Ordinance, shall also apply to all landscaping of roadside open spaces.

K. Preserved Open Space

1. Prior to any site work undertaken with respect to developments approved under this Section, the roadside open space preservation area(s) shall be clearly staked, fenced, and delineated with warnings to workers and the public that the area is not to be disturbed,.

2. Any and all damage or destruction to natural features in the preserved open space is grounds for revocation of Site Plan Approval and/or Certificate of Occupancy.

3. Alternatively, the Township Board, upon recommendation from the Planning Commission, may use its discretion to approve mitigation plans in the damaged areas.

4. A performance guarantee shall be posted to assure protection of open space during construction.

L. Plan Revisions

1. Any revisions to plans approved under this Section shall be submitted to the Planning Commission.

M. Conservation Easements

1. Any area intended to be preserved as roadside open space under this Section shall be permanently dedicated to that purpose by means of a conservation easement to the benefit of Commerce Township.

2. The easement shall prohibit the construction of any above ground structure with the exception of bicycle paths or sidewalks and required development entrance signs.

3. The conservation easement shall prohibit the cutting of vegetation, including all deforestation activities, without Planning Commission approval of such removal, which requires an approved mitigation plan and corresponding deed restriction(s).

SECTION 32.07. Golf Course Open Space Development

A. Purpose and Intent

It is the purpose of this subsection to promote the preservation of open space and the semi rural atmosphere of Commerce Township and to encourage the continuation of golf courses as open space recreation uses by allowing limited development of a single family residential use in association with, and ancillary to, a golf course. It is recognized that as the costs of holding land escalates it becomes increasingly difficult to economically own and operate uses, such as golf courses, which involve a large area of land in a use of relatively low intensity. These regulations are designed to allow open space housing to be developed in association with a golf course in such a fashion as to preserve both the golf course and the open space resources of the area.

B. Permitted Development

Single family residential use shall be permitted as an accessory use to a golf course. Housing types shall be limited to single family, detached and single family, attached dwellings offering separate and individual living units with no other living unit above or below it. The number of dwelling units which may be attached in the above manner in any one building shall not exceed four (4) units.

C. General Requirements

All golf course open space housing developments shall comply with the following development requirements:

1. For the purpose of this Section, when the property is divided by a major thoroughfare, as listed in Article 6 herein, the development of housing shall occur on either side of the thoroughfare in direct proportion to the percent of property on that side of the thoroughfare. For example, if a parcel was divided by a major thoroughfare so thirty (30%) percent of the land was on one side of the thoroughfare, then thirty (30%) percent of the planned housing and thirty (30%) percent of the golf course shall be developed on that side of the thoroughfare.

2. The overall permitted density for a golf course open space housing development shall not exceed one (1) dwelling unit per acre of the contiguous net acreage of the total golf course property.

3. The open space housing use, including roads and other infrastructure and support service areas for the primary use of the housing portion of the development, shall not occupy an area greater than forty (40%) percent of the contiguous net acreage of the property. The remainder of the property shall be dedicated to the golf course use.

4. The golf course portion of the property shall be at minimum a full nine (9) hole par thirty-six (36) golf course containing a minimum of forty (40) contiguous acres.

5. Requirements pertaining to building height, bulk, and minimum floor area or other aspects of development shall be as required by the R-1A, One Family Residential zone districts.

6. Yard requirements for golf course open housing shall be as follows:

    a. Except as provided herein, the minimum front or road side yard shall be fifteen (15') feet from the edge of the right-of-way of all interior roads, wholly within the project area, and twenty-five (25') feet from the setback line of any street or road not wholly within the project area;

    b. The minimum rear yard shall be thirty-five (35') feet.

    c. The minimum side yard shall be five (5') feet.

    d. No detached single family dwelling shall be less than ten (10') feet from another dwelling. No building comprised of attached single family dwellings shall be less than twenty (20') feet from any other dwelling.

    e. No dwelling shall be located less than thirty-five (35') feet from a lake, stream, or floodplain boundary; and

f. No building comprised of attached single family dwellings shall be located less than one hundred fifty (150') feet from any adjacent property zoned for a single family residential dwelling unit that is not located within the golf course housing project area.

7. Consistent with the intent of this Section to preserve the semi rural atmosphere of the community and sense of openness along main roads, dwellings shall be constructed on the property in locations that minimize the visual impact and obtrusiveness of the development when viewed from main thoroughfares as listed in Article 6. The preferred method to accomplish this requirement is for dwellings to maintain a setback of three hundred (300') feet from any road listed in Article 6. Alternatives could include less setback with berms and/or plant material screening, spacing of dwellings so extensive and continuous views of the golf course and open spaces are maintained, or combinations of these techniques.

D. Streets and Roads

All street and roads shall, at a minimum, conform to the standards and specifications promulgated by the Road Commission for Oakland County for a "Typical Residential Road" in single family residential subdivision.

In order to facilitate more imaginative design and better utilization of existing topography and tree cover conditions, the Planning Commission may permit up to a maximum of four (4) detached, single cluster housing units to be served by a single shared driveway. Said shared driveways shall be constructed according to the Commerce Charter Township Code and shall not exceed a length of two hundred fifty (250) lineal feet as measured from the right-of-way of the street or road or intersection. Access to each dwelling served by a shared driveway shall be provided by easement or, in the case of a site condominium, by assignment of a limited common area interest and a shared driveway agreement. Easements or assignment of a limited common area interest and a 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.

E. Wetlands

Wetland areas, as defined by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality, may not be included in lot area and density calculations.

F. Preservation of Golf Course Open Space

As the intent and purpose of this Section is to promote the preservation of open space and the continuation of the principal golf course use, and as the golf course housing option is intended only to be ancillary to a functioning golf course use, it is essential that sufficient steps be taken to insure the continuation of the golf course and the preservation of the areas as a low intensity or open space use are guaranteed in perpetuity. Toward this end,

a conservation easement to the benefit of Commerce Township and/or the residents of the golf course housing shall be placed on all areas of the property designated as golf course or open space limiting the future use of the property to the approved golf course or open space uses. The language of any such conservation easement shall be approved and accepted by the Township Board prior to the construction of any residential units.

G. Golf Course Clubhouse

A golf course clubhouse may be located on a public road having a minimum right-of-way width of sixty (60') feet provided the following conditions are met:

1. The clubhouse is constructed in conjunction with a residential development, where the golf course is included as an integral part of approved site plan for the residential development;

2. The clubhouse is located no further than two thousand (2,000') feet along such road from a public road listed on the Township Master Plan as a Major Thoroughfare;

3. The food and beverage service provided at the clubhouse shall not be open to the general public; except to those who reside in the residential development (and their guests), those who are utilizing the golf course to play golf or in the connection with private banquets held at the clubhouse;

4. The property owner shall provide a use plan for the clubhouse which demonstrates that the conditions of this subsection will be met and that the traffic load will be appropriate for the road on which the clubhouse is located and the adjacent neighborhood; and

5. The property owner shall, as a condition of approval, agree to pay for all cost incurred by the Township to enforce the provisions and conditions of the site plan.

SECTION 32.08. Lake Access

A. Purpose and Intent

The Charter Township of Commerce is a rapidly developing urbanized township with many lakes of varying sizes and characteristics. The Township is concerned about lake ecology and the safe use of lakes within the community and seeks to promote their safe use and preserve them as community assets. In some cases the character and intensity of lake use can create conditions amounting to a nuisance, impair important and irreplaceable natural resources, destroy property values, and threaten the health, safety and welfare of the public. It is the intent of this Section to establish a framework for study of specific township lakes on an "as needed" basis. The study will have the purpose of determining whether it is appropriate to permit keyhole access to a lake and if so the minimum regulations necessary to eliminate the conditions that are a nuisance, impair important and irreplaceable natural resources, destroy property values, and

threaten the health, safety and welfare of the public. Lake access shall be permitted as a Special Land Use subject to the following:

1. Special Land Use Approval Required

   Except as provided in paragraph 2 below, Special Land Use Approval is required to provide lake access over or through property which:

   a. Provides lake access, regardless of the means, to persons who do not reside on the property.

   b. Provides lake access to benefited property which is not a part of or contiguous with the lake access site.

   c. Provides lake access to property owners who, as of January 18, 1994 (the effective date of adoption of zoning provisions regulating lake access), cannot trace their title to a common grantor, within the last conveyance, whose property had direct lake frontage.

2. Special Land Use Approval NOT required

   Special Land Use Approval is not required to provide lake access over or through property that is in common ownership with and contiguous to property with lake frontage as of January 18, 1994 (the effective date of adoption of zoning provisions regulating lake access).

3. Definitions

   Definitions applicable to this subsection:

   a. Boat Launch Facility consists of a ramp and other equipment located at the edge of a lake or other body of water for the exclusive purpose of launching boats into the water.

   b. Lake Access means use of a lake for any purpose.

   c. Contiguous means sharing a common boundary of twenty-five (25') feet or more, said boundary having been established by recorded instrument or conveyance prior to the effective date of this Section. Property separated from other property in common ownership with Lake Frontage Property by a private road or public road is not considered contiguous.

   d. Lake Frontage means property with frontage on a lake or a river, stream or canal that leads to a lake.

   e. Common Ownership means:

      i. Identical fee owner or land contract vendee.

ii. Fee owner or land contract vendee's interest owned by husband or wife.

iii. Fee owner or land contract vendee's interest owned by corporate holding company and subsidiary.

B. Other exceptions

The private use of property with Direct Lake Access by the owner, the owner's family, and the owner's guests on an occasional, informal and casual basis is not intended to be subject to the requirements of Special Land Use Approval.

C. Lake Study Plans

A detailed graphical lake study plan shall be submitted with the Application for Special Land Use. The plan shall be prepared under the direction of a registered civil engineer and shall meet these requirements:

1. Drawn to scale of 1" equals 50'.
2. Sheet size shall be 24" x 36".
3. General descriptive and identification data shall include:
    a. Petitioner's name, address, telephone number.
    b. Preparer's name, address, telephone number.
    c. Title block.
    d. Scale.
    e. North point.
    f. Date of submission and revisions.
4. Show gross size of lake in acres or fractions of acres.
5. Show size of lake band 100 feet from shore.
6. Show lineal feet of navigable tributaries (including canals).
7. Show length of shoreline in feet.
8. Show location of existing drainage courses, canals, flood plains, wetlands, rivers and streams within one-half (1/2) mile which affect the lake.
9. Include a depth chart.

10. Include a lake bottom soils survey.

11. Show existing and proposed lake access easements.

12. Show location and size of vacant property possessing riparian rights to access to the lake.

13. Show all points of general or limited Public Access.

14. Show actual use of properties with Direct Lake Access.

15. Show actual use of properties with current Keyhole Lake Access.

16. Show zoning and master plan for properties with Direct Lake Access.

17. Show zoning and master plan for properties with current Keyhole Lake Access.

18. For all properties with Keyhole Lake Access, attach copies of Declaration of Covenants and Restrictions, Master Deeds or similar recorded instruments providing authority for such access.

19. Include a use study showing the following:

    a. Number of watercraft currently docked or stored for immediate lake use. Distinguish type:

        i. Sail craft,

        ii. Human powered

        iii. Powered by motors under ten horsepower.

        iv. Powered by motors between ten horsepower and twenty-five horsepower, and

        v. Powered by motors over twenty-five horsepower

    b. Number of watercraft using the lake during the months of May and September.

    c. Number of reported watercraft accidents, citations, warnings or incidents for the previous year. Break down of those involved in lake accidents as follows:

        i. Relationship to lake

            (a) Stranger
            (b) Direct Lake Access owner
            (c) Keyhole Lake Access owner
            (d) Other

ii. Fault

iii. Injury

iv. Property damage

v. Nuisance behavior

vi. Other basis for reported incidents

d. Lineal feet of shoreline developed for beach purposes.

20. Provide a water quality report showing the extent to which water quality has been affected by existing use of the lake.

21. Provide a status report detailing shoreline erosion conditions.

22. Provide a report of wildlife, waterfowl and fish habitat conditions on and surrounding the lake.

23. List all subdivision associations, condominium associations and public interest groups with an interest in the lake.

24. If the lake borders another political subdivision list all regulations affecting lake access.

25. Provide any other factor impacting or relating to the need for regulation of lake usage as a means of protecting the public health, safety and welfare.

D. Planning Commission Decision

When reviewing a request for lake access the Planning Commission shall consider the following factors in addition to those detailed in Article 34 of this Ordinance.

1. Will the additional access create conditions leading to overcrowding of the lake?

2. Will the additional access lead to conditions unreasonably limiting the access and use rights of riparian owners?

3. Will the additional access lead to conditions which could degrade water quality in the lake to unsafe or unhealthy levels?

4. Will the use of the access site create nuisance conditions for neighboring property owners?

5. Will use of the access site create unreasonable traffic congestion in the neighborhood surrounding the site?

E. Appeal to Township Board of Trustees

An applicant, or an owner of property immediately adjacent to the subject property, or, where the applicant or owner of the property proposed for lake access also owns or controls the immediately adjacent property, the owner of the next adjacent property owned or controlled by a person not the applicant or owner of the property proposed for lake access, may appeal the decision of the Planning Commission on an Application for Special Land Use under this Section to the Township Board of Trustees if a request for an appeal is filed with the Township Clerk within 10 days of the date of the Planning Commission's decision. The Township Board may affirm, reverse or modify the decision of the Planning Commission or remand the matter back to the Planning Commission for further consideration.

F. Expiration

A lake study plan prepared under this Ordinance shall be considered to be valid for three years for the date of submittal of the application for Special Land Use under this Ordinance.

ARTICLE 33

GENERAL PROVISIONS

SECTION 33.01. Accessory Structures

The following shall apply to all new accessory structures in the Township, except as otherwise permitted in this Ordinance, and to alterations, renovations, expansions, or other work that includes exterior changes to existing structures:

A. Detached Accessory Structures

The following standards shall apply to accessory structures not attached to a principal building in any zoning district:

1. **Height and setback standards.** Detached accessory structures in non-residential zoning districts shall conform to the maximum height and minimum front, side, and rear yard setback requirements specified in Article 6 (Dimensional Standards), except where otherwise permitted in this Section.

2. **Minimum separation requirement.** Detached accessory structures shall be located no closer than ten (10) feet to any other structure on the same parcel.

3. **Corner lots.** Detached accessory structures located on a corner lot that face the primary road frontage where the front entrance or front porch is located shall be set back behind the front building line of the principal building. Detached accessory structures that face the secondary road frontage of a corner lot shall not extend into the required front yard setback area.

4. **Easements or rights-of-way.** Accessory structures shall not be located within a dedicated easement or right-of-way.

5. **Vehicle shelters.** Temporary or permanent vehicle shelters shall be considered accessory structures and shall comply with the requirements of this Section.

6. **Standards for residential accessory structures.** The following standards shall apply to all detached structures accessory to residential uses:

    a. Such accessory structures shall be set back behind the front building line of any principal building on the same lot and shall be set back a minimum of ten (10) feet from the abutting parcel's setback line. However, on those lots which have frontage on the water as well as a street, one (1) detached accessory structure may be permitted between the principal building and the street provided the minimum required front yard setback is maintained, and further on those lots considered through lots which front on two generally opposing or parallel

streets, one (1) detached accessory structure may be permitted under the following conditions:

i. Said accessory structure shall be to the rear of the principal building on the lot.

ii. The accessory structure shall maintain a distance from the setback line or property line not less than the minimum rear yard required for the principal building on the lot.

iii. No vehicular access from the accessory structure to the rear road will be permitted.

iv. A greenbelt, a minimum of ten (10) feet in width shall be maintained between said accessory structure and the setback line. Such greenbelt shall be planted with approved plant materials evenly dispersed at a density of ten (10) trees and/or shrubs for each one hundred (100) feet of lot width.

b. The combined total ground floor area of all structures that are accessory to a single-family or two-family dwelling shall not exceed the ground floor area of the principal dwelling or nine hundred (900) sq.ft., whichever is less. However, on lots or parcels of two (2) acres or more in area, the total combined ground floor area of all accessory buildings may be permitted to exceed nine hundred (900) square feet provided that the Building Official and the Planning Director shall both administratively review and approve, a site plan of the premises to reduce any negative effects. The Planning Director and Building Official may defer their decision(s) on the accessory structure to the Planning Commission. In their review the Building Official and Planning Director, or the Planning Commission shall consider the following:

i. Compliance of the proposed building and use with all local ordinances.

ii. Whether the proposed building and landscaping are aesthetically compatible in design and appearance with other buildings in the vicinity.

iii. Whether the proposed accessory structure would negatively affect surrounding property values or constitute a nuisance.

iv. Comments received from adjacent property owners, who shall receive written notice of the proposed accessory structure from the Planning Department no less than ten (10) calendar days prior to any decision.

c. In addition, subsequent to the erection of an accessory structure exceeding nine hundred (900) square feet on a lot or parcel of two (2) acres or more, as permitted in this Article the following shall apply:

i. The lot or parcel shall not be subdivided so as to reduce the size of the parcel upon which the building is situated to under two (2) acres.

ii. This restriction shall run with the land and shall be recorded at the Oakland County Register of Deeds as a use restriction as part of the deed.

iii. This restriction shall not prevent the subdivision of land where the building is removed from the parcel or where a subdividing would not have the effect described in item c(i) above.

d. Such accessory structures shall not exceed a maximum of fourteen (14) feet in height. However, on lots or parcels of two (2) acres or more, the height of the accessory structure may be increased to a maximum of twenty (20) feet with an increase in side and rear setback by one (1) foot for each one (1) foot above fourteen (14) feet in height.

e. Such accessory structures may be located in a required side or rear yard setback area, subject to the following:

i. Such accessory structures shall not occupy more than twenty-five percent (25%) of a required rear yard.

ii. Such accessory structures shall be set back a minimum of three (3) feet from any side or rear lot line.

B. Attached Accessory Structures

Accessory structures attached to a principal building shall conform to the standards for the principal building, as specified in Article 6 (Dimensional Standards).

C. Temporary Storage Structures

The following standards shall apply to temporary storage structures in all zoning districts, with the following exceptions in residentially zoned districts, and the I, Industrial District:

1. All Zoning Districts.

a. Temporary storage structures shall be permitted at construction sites for the duration of any site plan or building permit approval.

b. Temporary storage structures shall be permitted in designated loading or outside storage areas in accordance with an approved site plan.

2. Residentially Zoned Districts.

   a. In addition to the general permitted uses set forth in Section 33.01, subsection C(1)(a)-(b), a portable storage/moving container may be permitted upon a residential dwelling's driveway and/or designated parking area without a permit for up to 72 hours per calendar year. Such containers shall not be located upon a public road or shared private road, nor impede the movement of any other vehicles authorized to travel upon the driveway or parking area. After 72 hours, the Building Director may issue a temporary permit to allow a portable storage/moving container to remain in a driveway and/or designated parking area of a residential dwelling for an initial period not to exceed four (4) weeks. An application for the permit shall contain a statement showing the street number of the occupied dwelling where the portable storage/moving container is located, or is to be located, the name and telephone number of the occupant(s) in control of said dwelling and container, copies of any documents evidencing that the purpose of the container is for the relocation of personal property, and the anticipated moving date. The filed application shall be accompanied with the fee as established by the township fee ordinance. A copy of such permit shall be posted on the container for which it is issued in such a manner as to be readily noticeable at all times. The Building Director may reissue a permit if it is determined that by no fault of the dwelling occupant, a moving/storage company is unable to remove a portable storage/moving container within the time permitted.

      i. Permitted portable storage/moving containers do not include industrial shipping containers commonly associated with national and international commercial shipping companies, which move goods by sea, rail, and/or tractor trailer and having a single dimension greater than sixteen (16) feet. Such industrial shipping containers are prohibited in residentially zoned districts.

3. Industrial District.

   a. In addition to the general permitted uses set forth in Section 33.01, subsection (C)(1)(a)-(b), semi-trailers, industrial shipping containers, and similar temporary storage structures shall be permitted to be placed on a lot in the I, Industrial District for a maximum period of 14 days per calendar year. Semi-trailers permitted for this purpose shall be currently licensed and fully road worthy.

D. Approval Required

It shall be unlawful for any person to construct or cause to be constructed any accessory structure upon any lot without having first obtained all necessary permits or approvals. Accessory structures shall be subject to the following provisions:

1. All accessory structures shall conform to the standards of this Ordinance.

2. Construction, alteration, or relocation of such structures accessory to office, service, community, commercial, industrial, research, and laboratory uses, and other uses and exceeding 120 square feet in floor area shall be subject to site plan approval per Article 35 (Site Plan Review).

3. Construction, alteration, or relocation of such structures accessory to residential uses and exceeding 100 square feet in floor area shall be subject to zoning permit approval per Article 1 (Zoning Permits).

4. Construction, alteration, or relocation of accessory structures shall be subject to building permit approval where required.

SECTION 33.02. Fences

All fences and similar enclosures shall conform to the following (see illustrations below):

A. General Standards

The following shall apply to fences in all zoning districts:

1. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:

   a. Barbed or electric wire fences shall be permitted accessory to permitted public utility facilities and essential service uses in any zoning district.

   b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

   c. Wire cradles shall consist of no more than three (3) strands of wire, and shall overhang into the lot it is intended to protect.

2. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.

3. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).

4. Fence height shall be measured from ground level adjacent to the highest point of the fence.

   a. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted.

   b. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

5. Fences shall comply with the clear sight distance standards in Article 6.

6. Reconstruction and/or replacement of a legal nonconforming fence shall comply with the applicable standards of Article 39 (Nonconformities).

B. Fences on Residential Lots

1. Location Requirements.

   a. Front Yard. Only Ornamental Fences with a height of four (4) feet or less shall be permitted in the front yard. Ornamental Fences must be an integral part of the overall design of the principal structure. The minimum setback of an Ornamental Fence in the front yard shall be determined as follows:

      i. In cases involving Ornamental Fences in a front yard along a major thoroughfare identified in Article 6.02.U, the Ornamental Fence shall be permitted no closer than the statutory road right-of-way.

      ii. In all other cases, Ornamental Fences shall not be permitted within the required front yard setback as specified within Article 6.01.

   b. Interior Side Yard. Fences are permitted along an interior side property line.

   c. Side Yard Facing a Road. A fence may be permitted on a side yard facing a road provided that the fence is no closer to the road than the front face of the building and provided further that the fence does not encroach into the required side setback.

   d. Rear Yard. Fences are permitted in the rear yard between the rear building line and the rear lot line.

   e. Front Yard – Waterfront. Ornamental Fences that are located in the side yard of a waterfront yard may not encroach into the required water front yard setback as specified in Article 6 (Dimensional Standards). Fences cannot be located parallel to the water's edge unless for the purpose of enclosing a swimming pool located in the waterside front yard, as regulated herein. Furthermore, such permitted fences cannot exceed four (4) feet in height. Obscuring vegetation, hedges, walls, fences or other form of screening shall not be permitted in any required water front yard.

2. Fence Height in Residential Districts

   a. Chain Link Fences. Chain link fences shall not exceed four (4) feet in height.

   b. Ornamental and Obscuring Fences, Privacy Screens. Ornamental and obscuring fences and privacy screens shall not exceed six (6) feet in height.

   c. Rail Fences. Rail fences shall not exceed four (4) feet in height.

C. Fences in Non-Residential Districts

1. **Location.** Fences shall be permitted in the rear or side yards of non-residential districts. No fence shall extend toward the front of the lot farther than any portion of the principal structure. These restrictions shall not apply to agricultural uses.

2. **Fence Height.** Fences in non-residential districts shall not exceed eight (8) feet in height, except that fences used to enclose agricultural lands shall not exceed four (4) feet in height.

D. Parks and Playground Fences

1. Fences that enclose public parks, playgrounds, or public landscaped areas shall not exceed six (6) feet in height, and shall not obstruct vision to an extent greater than twenty-five percent (25%). However, the following fences shall be subject to the height limits specified:

   a. Tennis court enclosure: 10 ft.

   b. Baseball backstop: 18 ft.

   c. Basketball court enclosure: 10 ft.

2. The Planning Commission shall have the authority to approve heights exceeding six (6) feet for fences or fence enclosures associated with other types of recreation facilities.

E. Electric Utility Sub-station Fencing

In the interest of public safety and security, the maximum height of fences around electric utility sub-stations shall be eight (8) feet.

F. Nonconforming Fences

Fences lawfully erected prior to the effective date of adoption or amendment of this Ordinance that do not conform with provisions of this Section shall be considered nonconforming structures subject to the provisions of Article 39 (Nonconformities).

G. Maintenance

Fences shall be maintained in good condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the property on which the fence or wall is located. Rotten, crumbled or broken components shall be replaced, repaired, or removed, and exposed surfaces shall be painted, stained or similarly treated. Failure to maintain a fence in conformance to the standards of this Section shall be deemed a violation of this Ordinance.

H. Approval Required

It shall be unlawful for any person to construct or cause to be constructed any fence upon any lot without having first obtained all necessary permits or approvals.

1. Construction, reconstruction, alteration, repair and/or relocation of any fence shall conform to the standards of this Ordinance.

2. Construction, reconstruction, alteration and/or relocation of fences accessory to any land use other than one (1) single-family home shall be subject to site plan approval per Article 35 (Site Plan Review).

3. A Zoning Permit is required for the construction, reconstruction, alteration, repair and/or relocation of any fence accessory to a one (1) single family home on a lot in a previously approved subdivision or plat, a previously approved acreage parcel, or a previously approved site condominium.

4. Reconstruction and/or replacement of a legal nonconforming fence shall comply with the applicable standards of Article 39 (Nonconformities).

SECTION 33.03. Swimming Pools, Spas, and Hot Tubs

Outdoor swimming pools, spas, and hot tubs with a diameter exceeding twelve (12) feet, a depth exceeding four (4) feet or an area exceeding 100 square feet permanently or temporarily placed in, on or above the ground shall be permitted as an accessory structure in all zoning districts subject to the following:

1. Swimming pools, spas, and hot tubs shall be prohibited in the front yard area, or within any easement or right-of-way. When a lot is a water front lot, spas and hot tubs are permitted in the waterside front yard area. The height of swimming pools in a waterside front yard shall not exceed thirty (30) inches above the existing grade of the lot.

2. There shall be a minimum distance of not less than ten (10) feet between adjoining lot lines or alley right-of-way and the outside wall of the swimming pool, spa or hot tub.

3. There shall be a distance of not less than ten (10) feet between the outside wall of a swimming pool and any principal building on the same lot. This requirement shall not apply to spas or hot tubs.

4. To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured and completely enclosed by a minimum four (4) foot high fence with a self-closing and latching gate.

    a. An automatic pool cover is not permitted as a substitute for the required pool fence.

b. Above ground pool walls four (4) feet or more in height shall satisfy the requirement for a pool fence, provided that the pool ladder or steps shall be capable of being secured, locked or removed.

c. The Building Director may waive the requirement for a pool fence upon determining that the swimming pool, spa or hot tub is otherwise secured against unauthorized access.

d. Swimming pools located in the waterside front yard of a waterfront property shall be completely enclosed by an ornamental fence of four (4) feet in height, including the portion that runs parallel to the water's edge. The fence shall meet all of the following criteria:

i. The fence shall not encroach into the minimum required waterfront yard setback as specified in Article 6 (Dimensional Standards).

ii. The portion of the swimming pool fence that runs parallel to the water's edge shall be no more than ten (10) feet from the outside wall of the pool.

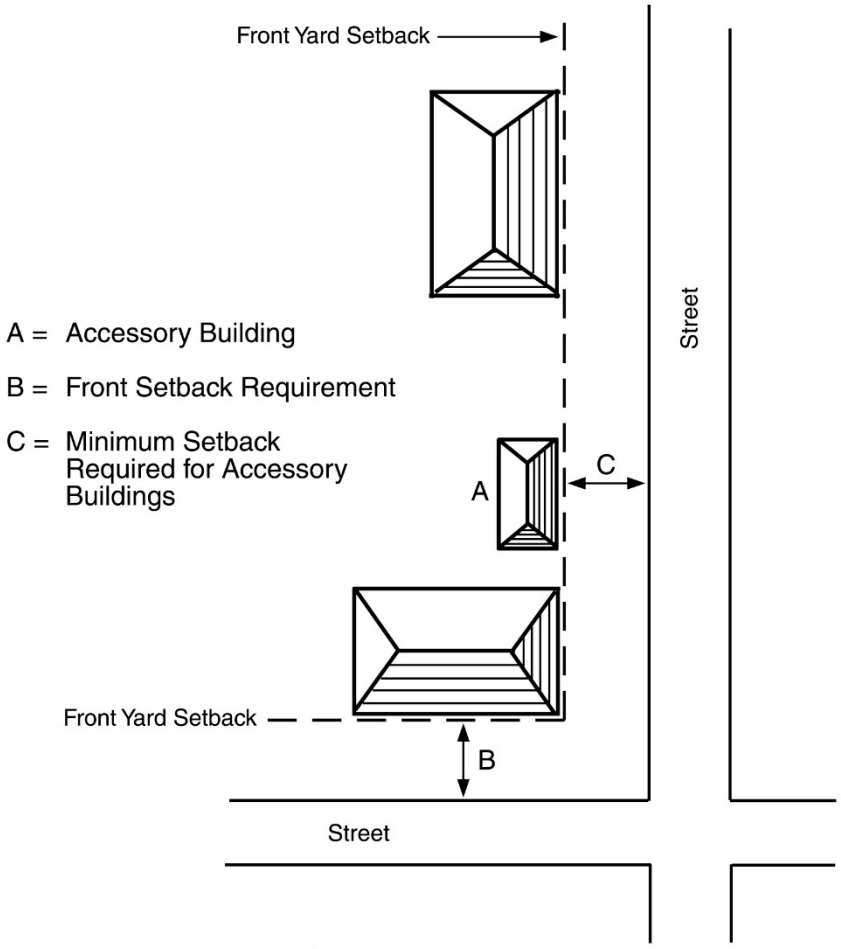
5. No swimming pool shall be located directly under utility wires or electrical service leads. A minimum ten (10) foot horizontal setback shall be maintained from the pool perimeter to the vertical plane of the overhead wire.

6. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sanitary sewer line or lead; and from any underground water, electrical, telephone, gas or other pipes and conduits, except for parts of the swimming pool system.

7. Swimming pools, spas, and hot tubs shall comply with all applicable provisions of the State Construction Code enforced by the Township Building Department.

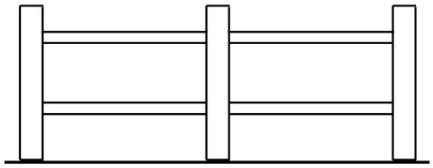
8. Construction, alteration or relocation of swimming pools, spas, and hot tubs shall be subject to approval of a zoning permit by the Building Official per Article 1 (Zoning Permits).

ILLUSTRATIONS

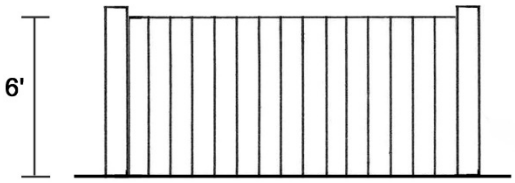


Accessory Building

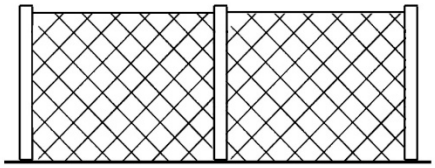
ILLUSTRATIONS



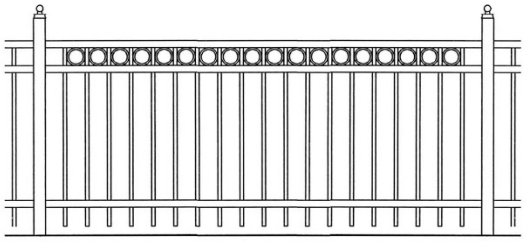
Rail Fence



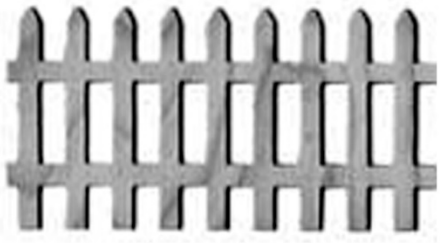
Privacy Fence



Chain-link Fence



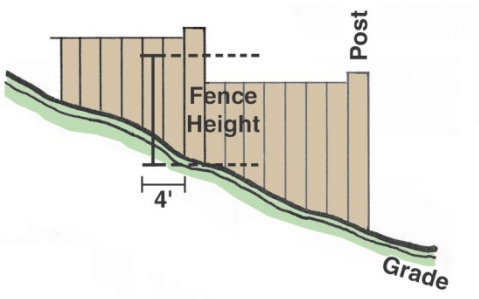
Ornamental Fence



Ornamental Fence

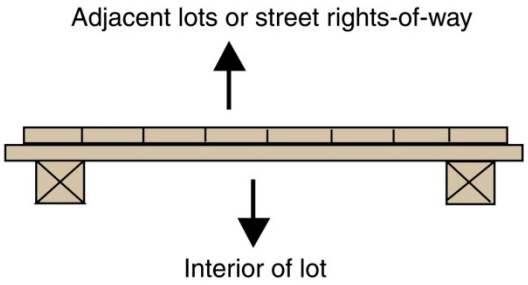
Fence Examples



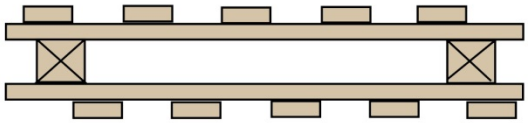


Fence Height

ILLUSTRATIONS

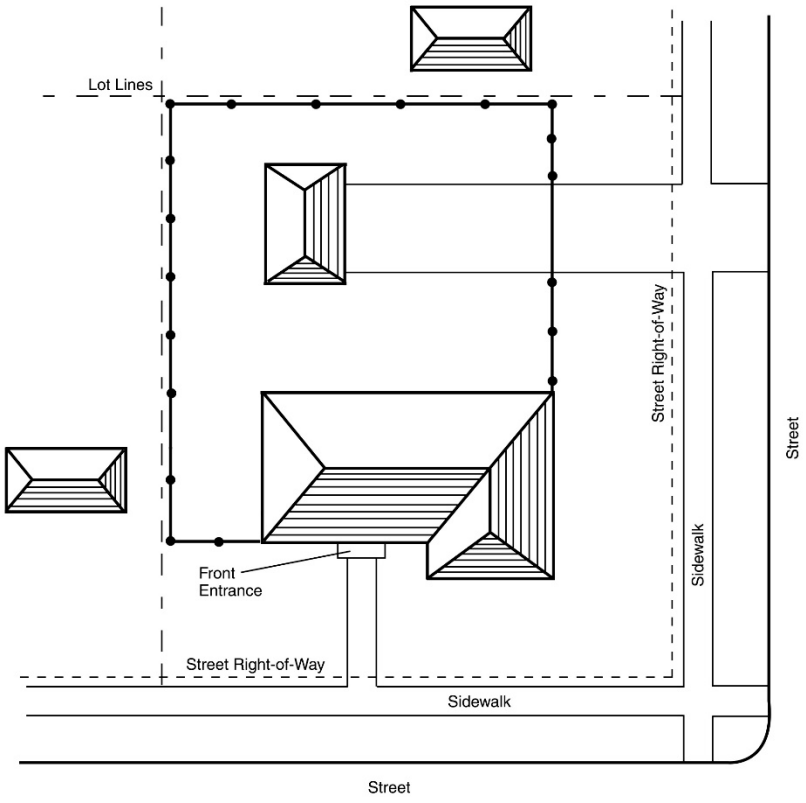


Fence with a single finished or decorative side



Fence with two finished or decorative sides

Orientation of Finished Side - Top View



Fence Location on Corner Lot

SECTION 33.04. Open Parking and Storage of Vehicles, Boats, Travel Trailers, Trailers, Machinery or like items

The regulations set forth in this Section are intended to regulate the methods of storage, the types of materials that may be stored, and the accumulation of unusable, inoperable, or unsightly motor vehicles, trailers, machinery, or building materials that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township.

A. No motor vehicle shall be kept, parked, or stored in any district zoned for residential use, unless it shall be in operating condition and properly licensed, or kept inside a building. The purpose of this provision is to prevent the accumulation of non-operating or junk motor vehicles. This provision shall not apply to any motor vehicle, ordinarily used, but temporarily out of running condition for a period of ten (10) calendar days or less. If a motor vehicle is being kept for actual use, but is temporarily unlicensed or in a non-operating condition, the Building Director may grant the owner a reasonable time, not to exceed thirty (30) days, to put the vehicle into operating condition and to procure a license if the vehicle is unlicensed.

Likewise, no machinery, machines, or parts of machines not necessary for immediate and continuing use upon the premises, or quantities of building materials not temporarily placed for immediate use on the premises for a project permitted by this Ordinance and for which a building permit has been obtained and is in force shall be kept or stored outside a building; provided, however, that building materials fit to be used to improve the premises may be kept if piled off the ground so as not to become a rat and rodent harbor.

B. The open parking and/or storage of a travel trailer, boat, personal watercraft, trailer, or similar vehicle, or means of conveyance not owned by the permanent occupant of the property where the vehicle is parked or stored shall be prohibited for periods exceeding twenty-four (24) hours unless a permit is issued to the owner of said vehicle by the Building Director. The number of days that unpermitted vehicles and trailers may be intermittently openly parked and/or stored for periods of twenty-four (24) hours or less shall not exceed seven (7) calendar days per year. The Building Director may issue temporary permits allowing the parking of travel trailers and other similar vehicles in a rear yard on private property for a period not to exceed two (2) weeks. An application for the permit shall contain a statement showing the street number of the occupied dwelling where the occupied camper or travel trailer is parked, or is to be parked, the name of the occupant in control of said dwelling and his endorsement granting permission of such parking, the name and address of the occupant of such camper or travel trailer, the license number of all units of such camper or travel trailer, the State issuing such license, and a statement indicating the exact location at which such camper or travel trailer last parked, including the State, County, City, Village, or Township where such parking occurred. The filed application shall be accompanied with the fee as established by the township fee ordinance. A copy of such permit shall be posted on the camper or travel trailer for which it is issued in such a manner as to be readily noticeable at all times.

C. All travel trailers, boats, recreational vehicles, trailers, and similar vehicles, or means of conveyance owned by residents of the Township and stored on their individual lots, shall not be stored within any front yard or front yard driveway, and shall further comply with the requirements applicable to Detached Accessory Structures, Section 33.01, insofar as setbacks, distances from lot lines, and easements are concerned; except that boats and personal watercrafts on a trailer, recreational vehicles, travel trailers and like camper/trailer coaches may be temporarily placed in a front yard driveway during the period from May 1st to October 31st. This exception shall not apply to personal watercraft trailers, or boat trailers without a personal watercraft or boat secured atop the trailer, nor any other trailers.

D. On lots adjacent to a lake, river, canal, or similar navigable body of water, boats may be stored between the dwelling and the waterfront property lines.

E. All travel trailers and like vehicles parked or stored on land not approved for such as provided by this Ordinance shall not be connected to sanitary facilities and shall not be occupied, except as otherwise provided in this Ordinance. Travel trailers and vehicles seasonally parked in a front yard driveway pursuant to Section 33.04(C) shall not be occupied nor connected to sanitary facilities, or other utilities.

F. The parking or storage of motor vehicles or trailers of any kind or type that have been dismantled, totally or in part, wrecked, are without current license plate, and/or are not in regular use for non-commercial purposes shall be prohibited within any residential zone district except within a wholly enclosed building.

The parking or storage of any commercial vehicle on any property within a residential zone district shall be prohibited. "Commercial vehicle" shall include all vehicles specifically manufactured for commercial use, motor vehicles designed or used for transportation of passengers for hire, compensation, or profit, or motor vehicles designed, constructed, sold, equipped, or used for transportation of other vehicles, goods, wares, or merchandise, even if the vehicle is used exclusively to transport personal possessions, family members, or non-family members for non-business purposes. One (1) commercial vehicle will be permitted per property, subject to compliance with all of the following conditions:

1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicular transportation;

2. The vehicle is not a dump truck, stake truck, flat bed truck, cube van, step van, wrecker, well drilling rig, welding truck, tanker truck, semitractor, and semitrailer. The vehicle is not used in the transportation of hazardous materials;

3. No part of the vehicle exceeds eight (8') feet in overall height as measured from the ground;

4. The vehicle has no outside hose reels, brackets, or holders, for tools, pipes, glass, or other similar equipment;

5. The vehicle has no more than one (1) rear axle; and

6. The vehicle does not exceed eleven thousand (11,000) pounds gross vehicle weight.

These provisions shall not prohibit the temporary location of a commercial vehicle while engaged in a delivery, pickup, drop off, or service run, or when temporarily parked during the performance of work at a particular location, nor shall they prohibit vehicles used for customary agricultural purposes on land dedicated to a legal agricultural use as defined in this Ordinance.

SECTION 33.05. Access through Yards

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above grade shall be permitted in any required yard and not be considered to be a structure.

SECTION 33.06. Property Maintenance

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

SECTION 33.07. Property between the Lot Line and Road

Except where otherwise provided on an approved site plan, the area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

SECTION 33.08. Voting Place

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

SECTION 33.09. Essential Services

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the Township and the following:

A. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district.

B. It is the intent of this Section to ensure conformity of all structures, uses, and storage yards to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Commerce Charter Township Code.

C. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the Township boundaries shall be subject to approval by the Planning Commission after a public hearing. Such review of the Planning Commission shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers and further, and shall consider injurious effects on adjacent lands, uses or the orderly appearance of the Township.

ARTICLE 34

SPECIAL LAND USES

SECTION 34.01. Purpose

Special land uses include those uses that serve an area, interest or purpose that extends beyond the borders of the Township, create particular problems of control in relation to adjoining uses, form or districts, may have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular district.

This Article sets forth review procedures and standards for Planning Commission review and approval of special land uses. These procedures are instituted to provide an opportunity to use a lot or structure for an activity that, under usual circumstances, could be detrimental to other permitted land uses. Such uses may be permitted under circumstances particular to the proposed location, subject to specific conditions or limitations that provide protection to adjacent land uses.

These procedures are adopted to provide a consistent and uniform method for review of special land use applications, ensure full compliance with the standards contained in this Ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, preserve the public health, safety, morals, and general welfare, and facilitate development in accordance with the land use objectives of the Master Plan and the purpose and intent of this Ordinance.

SECTION 34.02. Application Requirements

Special land use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the Planning Commission:

A. Eligibility

The application shall be submitted by the owner of an interest in land for which special land use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings.

B. Requirements

Special land use applications shall be submitted to the Township and shall include the following information:

1. Contact information for the applicant and property owner, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.

2. Address, location and tax identification number of the property.

3. A detailed description of the proposed use.

4. A site plan, if requested by the Planning Commission or required by Article 35 (Site Plan Review).

5. Appropriate review fees, in accordance with the Charter Township of Commerce Fee Ordinance.

6. Any other information deemed necessary by the Planning Commission to determine compliance with this Ordinance.

SECTION 34.03. Special Land Use Review

After a complete and accurate application has been received and review fees paid, the application shall be reviewed in accordance with following procedures:

A. Coordination with Site Plan Review

The Planning Commission may, at its discretion, consider special land use and site plan applications at the same meeting, or may require the site plan to be submitted for review following approval of the special land use.

B. Technical Review

Prior to Planning Commission consideration, the application materials shall be distributed to appropriate Township officials and staff for review and comment. The Planning Director may also submit the application materials to applicable outside agencies and designated Township consultants for review.

C. Public Hearing

Upon receipt by the Planning Department of an application for a special land use or activity, public notice shall be given that a request for special land use approval has been received and that a public hearing on the request will be heard. This notice shall be given as follows:

1. Notice shall be published in a newspaper of general circulation in the Charter Township of Commerce not less than fifteen (15) days prior to the scheduled public hearing.

2. Notice shall also be sent by mail or personal delivery to the owners of all property for which approval is being considered, to the owners of all real property within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless whether the property or occupant is located within the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or

spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. This notice shall be sent not less than fifteen (15) days prior to the date of the public hearing scheduled.

3. The notice shall contain:

   a. A description of the nature of the request to be heard.

   b. A description of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.

   c. A statement of when and where the request will be considered.

   d. An indication of when and where written comments will be received concerning the request.

D. Special Land Use Sign Requirements

At least fifteen (15) days prior to the public hearing before the Planning Commission, the applicant must, at his own expense, install special land use signage on the property proposed for special land use, in full public view along street or road frontages.

1. **Location.** The signs must be prominently placed at 700 foot intervals along the property frontage, adjacent to the public right-of-way. For parcels with less than 700 feet of road frontage, signs shall be placed at the midpoint of the property width. A corner lot will require a minimum of one (1) sign per road frontage. The location, number and content of such signs must be approved by the Building Department prior to installation.

2. **Sign Orientation.** Special land use signs shall be displayed at forty-five degree angles (45°) to the road right-of-way, to maximize visibility to drivers approaching from both sides of the road (see illustration).

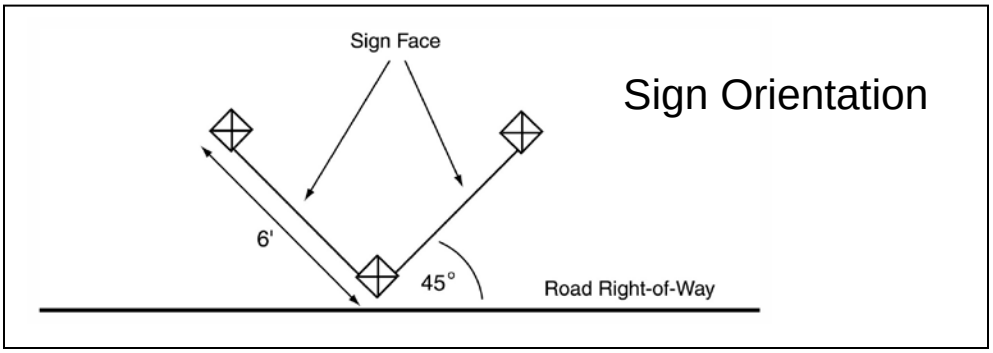
3. **Notice Requirements.** Sign lettering shall be black on a white background. Wording on the signage shall be as follows:

   PROPOSED SPECIAL LAND USE .....(minimum 8” high letters)

   Proposed Use: *(Identify Use)* .....(minimum 4” high letters)

   Information *(Commerce Telephone #)*.....(minimum 4” high letters)

   Commerce Charter Township .....(minimum 3” high letters)



4. **Structure**

   a. Size: minimum 4 ft. (vertical) by minimum 6 ft. (horizontal)

   b. Height: 6 ft. above grade (including posts)

   c. Sign facing must be exterior plywood, aluminum, or similar durable material

   d. Sign support system must be structurally sound.

   Special land use signage must be removed within seven (7) days of final action on the petition by the Township Board, or within seven (7) days of withdrawal of the petition by the applicant. Failure to remove signage within this period may result in such removal by the Township at the applicant's expense.

E. Planning Commission Consideration

Subsequent to the hearing, the Planning Commission shall review the application for special land use approval, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The Planning Commission shall make the final determination on the application, based on the requirements and standards of this Ordinance, including Article 34 (Standards for Special Land Use Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the special condition use as follows:

1. Postponement. Upon determination by the Planning Commission that a special land use application is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.

2. Denial. Upon determination that a special land use application is not in compliance with the provisions of this Ordinance, including Article 34 (Standards for Special Land Use Approval), or would require extensive modifications to comply with said standards and regulations, the special land use may be denied. If a special land use is denied, a written record shall be provided to the applicant listing the reasons for such denial.

3. Approval. The special land use may be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Ordinance, including Article 34 (Standards for Special Land Use Approval). Upon approval, the special land use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the zoning lot, lot of record or portion thereof upon which the use is located.

4. Approval subject to conditions. The Planning Commission may approve a special land use subject to conditions provided that the special land use is:

   a. Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole; and

   b. Related to the valid exercise of the police power, and the impacts of the proposed use; and

   c. Necessary to meet the intent and purpose of this Ordinance, related to the standards established in this Ordinance for the special land use under consideration, and necessary for compliance with those standards.

5. Recording of special land use action. Planning Commission action on the special land use shall be recorded in the Planning Commission meeting minutes, stating the name, description and location of the proposed use, and the grounds for the Planning Commission's action. At least one (1) copy of the written record shall be kept on file in the Township, and one (1) copy shall be forwarded to the applicant as evidence of special land use action by the Planning Commission.

SECTION 34.04. Special Land Use Resubmission

A special land use application that has been denied shall not be resubmitted for a minimum period of 365 days from the date of denial, except that the Planning Director may allow an earlier submittal upon finding new evidence or proof of changed conditions.

SECTION 34.05. 34.05 Appeals

The Zoning Board of Appeals shall not have the authority to consider appeals of special land use determinations by the Planning Commission. The decision on a special land use activity by the Planning Commission may be appealed to the Oakland County Circuit Court.

SECTION 34.06. Special Land Use Expiration

Special land use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special land use has

been submitted for review. Special land use approval shall also expire upon expiration of the approved construction plan associated with a special land use.

Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of up to 365 days, provided that the approved special land use conforms to current Zoning Ordinance standards.

SECTION 34.07. Rescinding Approval of Special Land Uses

Approval of a special land use may be rescinded by the Planning Commission upon determination that the use has not been improved, constructed or maintained in compliance with this Ordinance, approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:

1. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in Article 34, at which time the owner of an interest in land for which special land use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

2. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.

SECTION 34.08. Standards for Special Land Use Approval

Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards as deemed applicable to the use by the Planning Commission:

1. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the community.

2. **Compatibility with adjacent uses.** The special land use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.

3. **Compatibility with the Master Plan.** The special land use location and character is consistent with the general principles, goals, objectives and policies of the adopted Master Plan.

4. **Compliance with applicable regulations.** The proposed special land use is in compliance with all applicable provisions of this Ordinance other county, state, and federal requirements, and conditions imposed by the Planning Commission.

5. **Impact upon public services.** The special land use's impact upon public services will be served adequately by essential public facilities and services, and will not exceed the existing or planned capacity of such services. For purposes of this Section, such services shall include, but are not limited to police and fire protection, drainage and stormwater management facilities, municipal water and sanitary sewer facilities, refuse disposal, recreational facilities, and educational services.

6. **Traffic impacts.** The special land use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.

7. **Environmental and public health, safety, welfare impacts.** The location, design, activities, processes, materials, equipment, and operational conditions of the special land use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.

8. **Isolation of existing uses and/or form of development.** Approval of the special land use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses or form of development.

SECTION 34.09. Compliance Required

It shall be the responsibility of the owner of the property and the operator of the use for which special land use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this Ordinance and all conditions of special land use approval until the use is discontinued. Failure to comply with the provisions of this Article shall be a violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

The Building Director may make periodic investigations of developments for which a special land use has been approved. Noncompliance with Ordinance requirements or conditions of approval shall constitute grounds for the Planning Commission to rescind special land use approval.

ARTICLE 35

SITE PLAN REVIEW

SECTION 35.01. Purpose

The purpose of this Article is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this Ordinance and other applicable Codes and Ordinances.

It is the further purpose of this Article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the Township and the applicant, and facilitate development in accordance with the Township's Master Plan.

SECTION 35.02. Site Plan Review Required

Two separate review processes have been established in accordance with the purpose of this Article, as follows:

A. Uses Subject to Planning Commission Review

A site plan shall be submitted for review by the Planning Commission as set forth in this Section before the issuance of a building permit and before any building construction or development, except in the case of construction limited to one (1) single-family home for location on a lot in a previously approved subdivision or plat, a previously approved acreage parcel or a previously approved site condominium. Before issuance of a building permit, or the beginning of building construction or development related to a second or subsequent single-family home on a lot in an approved subdivision or plat, a previously approved acreage parcel or a previously approved site condominium, a site plan shall be submitted for review as set forth in Article 35 of this Ordinance.

B. Projects Eligible for Administrative Review

The following development projects, uses and other activities have been determined to be eligible for administrative review and approval of a site plan by the Planning Director:

1. A change in use to a similar or less intense use, as determined by the Planning Director, provided that significant site changes (such as a change in parking or vehicular layout, landscape screening, or reorientation of the building) are not required for compliance with the provisions of this Ordinance.

2. Construction buildings and uses, and minor changes during construction due to unanticipated site constraints or outside agency requirements.

3. Multiple-family and non-residential accessory structures and uses.

4. Re-occupancy of a building that has been vacant for more than 30 days, where no zoning variances are necessary, the proposed use will be conducted fully within an enclosed building, and re-occupancy will not require significant additional parking demands, access changes or other substantial modifications to conform with the provisions of this Ordinance.

5. Sidewalk or pedestrian pathway construction or relocation, and installation of screening around outdoor trash storage areas.

The site plan shall be accompanied by a review fee as established by the Township Fee Ordinance. The proposed development shall comply with all requirements of this Ordinance except where, in the determination of the Planning Director, strict adherence to the requirements of this Ordinance would place an undue hardship on the property owner because of existing conditions or the necessary improvements would be far beyond the scope of the project proposed. The Planning Director shall verify that the proposed development complies with all requirements of this Ordinance, consistent with its determination.

The Planning Director or applicant shall have the option to request Planning Commission consideration of a project otherwise eligible for administrative review. In such cases, the Planning Commission shall review the site plan in accordance with the procedures outlined in Article 35 (Site Plan Review Procedure).

SECTION 35.03. Required Information for Site Plans.

The site plan shall contain the following information:

MINIMUM SITE PLAN INFORMATION REQUIREMENTS
SITE PLAN DESCRIPTIVE INFORMATION:
✓ Applicant's name, address, telephone number and name of township, city or village of residence.
✓ Title block.
✓ Scale.
✓ Northpoint.
✓ Dates of submission and revisions (month, day, and year).
✓ Location map drawn to a scale of one (1") inch equals 2,000 feet, with northpoint.

MINIMUM SITE PLAN INFORMATION REQUIREMENTS	
✓	Legal and common description of property.
✓	Identification and seal of architect, engineer or, landscape architect who prepared plans.
✓	Written description of proposed land use.
✓	Zoning classification of petitioner's parcel and all abutting parcels.
✓	Proximity to section corner and major thoroughfares.
✓	Net acreage (minus rights-of-way) and total acreage.
SITE DATA:	
✓	Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches. Sites three (3) acres or less shall be drawn at a scale of one (1) inch equals 20 feet and sites greater than three (3) acres shall be at a scale of one (1) inch equals 50 feet. If a large development must be depicted in sections on multiple sheets, then an overall composite sheet shall be provided.
✓	Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site.
✓	On parcels of more than one acre, topography on the site and within 100 feet of the site at two foot intervals, referenced to a U.S.G.S. benchmark.
✓	Proposed lot lines, lot dimensions, property lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
✓	Dimensions and centerlines of existing and proposed roads and road rights-of-way.
✓	Acceleration, deceleration, and passing lanes, where required.
✓	Proposed location of access drives and on-site driveways.
✓	Location of existing drainage courses, floodplains, lakes and streams, with elevation.
✓	Location of existing and proposed interior sidewalks, sidewalks in right-of-way, and pathways.
✓	Exterior lighting locations and methods of shielding. Details of the lighting fixtures shall be provided in a site plan in accordance with Article 31 (Exterior Lighting).

MINIMUM SITE PLAN INFORMATION REQUIREMENTS
✓ Waste receptacle location and method of screening, in accordance with Article 29.
✓ Transformer pad location and method of screening.
✓ Front, side and rear yard dimensions, as provided for in Article 6 (Dimensional Standards).
✓ Parking spaces, drives and method surfacing, in accordance with Article 28 (Parking, Loading, and Access Management).
✓ Information needed to calculate required parking in accordance with zoning ordinance standards.
✓ All existing and proposed easements.
✓ Designation of fire lanes.
BUILDING AND STRUCTURE DETAILS:
✓ Locations, height, and outside dimensions of all proposed buildings or structures.
✓ Building floor plans.
✓ Floor area (total and usable).
✓ Location, size, height and lighting of all proposed signs, as well as a cross-section depicting the entire sign structure and message.
✓ Obscuring walls or berm locations with cross sections, where required.
✓ Building elevations, drawn to scale of one (1") inch equals four (4') feet, or to another scale approved by the Planning Director and adequate to determine compliance with the requirements of this Ordinance.
✓ Roof-top and ground-mounted HVAC equipment and the method of screening, with details.
✓ INFORMATION CONCERNS UTILITIES, DRAINAGE AND RELATED MATTERS:
✓ Location of sanitary sewers and septic systems, existing and proposed, in accordance with Township Engineering Design Standards.

MINIMUM SITE PLAN INFORMATION REQUIREMENTS	
✓	Location and size of watermains, well sites, and building service, existing and proposed, in accordance with Township Engineering Design Standards.
✓	Location of hydrants, existing and proposed in accordance with the Township Engineering Design Standards (See "Watermains" and "Standards for Site Plans").
✓	Location of storm sewers, existing and proposed, in accordance with Township Engineering Design Standards.
✓	Indication of site grading, drainage pattern, and other storm-water control measures, in accordance with Township Engineering Design Standards.
✓	Stormwater drainage and retention calculation, in accordance with Township Engineering Design Standards.
✓	Location of gas, electric, cable TV, and telephone lines, above and below ground, in accordance with Township Engineering Design Standards.
✓	Assessment of potential impacts from use, processing, or movement of hazardous materials or chemicals, if applicable.
✓	The location of all public utilities, whether they are proposed to be installed or may be installed in the future, including, but not limited to, electrical, telephone, natural gas, cable TV, municipal water and sanitary sewers shall be indicated on the Engineering plans for site condominium projects. All public utilities shall be constructed where indicated on the approved engineering plans.
✓	INFORMATION PERTINENT TO SINGLE-FAMILY CONDOMINIUMS, TWO-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL, MOBILE HOMES, OR SINGLE FAMILY CLUSTER DEVELOPMENT:
✓	The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
✓	Density calculations by type of residential unit (dwelling units per acre).
✓	Swimming pool fencing detail, including height and type of fence, if applicable.
✓	Location and size of recreation and open space areas.
✓	Indication of type of recreation facilities proposed for recreation areas.

MINIMUM SITE PLAN INFORMATION REQUIREMENTS
✓ INFORMATION PERTINENT TO QUASI-PUBLIC, COMMERCIAL, INDUSTRIAL, AND SPECIAL PURPOSE DEVELOPMENT:
✓ Loading and unloading area, in accordance with Article 28 (Parking, Loading, and Access Management).
✓ Propane tank locations and methods of shielding and any overhead utilities.
✓ For industrial development, research office uses, or automobile service stations, the quantity and quality of industrial waste.
✓ LANDSCAPING AND SCREENING:
✓ All single trees and plantings in their actual location and identified as to species and height at planting and height at maturity.
✓ Required trees or plantings within road or highway rights-of-way in their actual location and identified as to species and height at planting and height at maturity.
✓ Entranceway details, including trees, plantings and berms. The landscape plan shall show the relationship of the entranceway to the right-of-way of the intersecting roads and/or driveways.
✓ Any wooded area shall be shown by symbolic lines tracing the spread of outer most branches and shall be described as to the general sizes and species of trees contained.
✓ Preservation of Existing Plant Material. The plan shall show all existing trees with a two (2") inch caliper, or greater, measured twelve (12") inches above grade to be saved. If existing plant material is labeled "to be saved" on the site plan, protection measures must be implemented, such as the placing of fencing or stakes at the dripline. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved.
✓ The landscape plan will be reviewed taking into consideration such factors as contribution to visual orientation and safe circulation, variety of plants used, seasonal interest, hardiness, appropriateness to the conditions and other design criteria.
✓ Parking lot landscaping and screening.
ADDITIONAL REQUIRED INFORMATION:
✓ Other information as requested by the Planning Director or Planning Commission to verify that the site and use are in compliance with this Ordinance.

The Planning Commission may waive required site plan items that, if in the opinion of the Planning Commission, are not necessary to achieve the objectives of this Ordinance.

SECTION 35.04. Site Plan Review Procedures

Site plans shall be reviewed in accordance with the following:

A. Pre-application meetings

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Planning Director and Building Director and other Township officials to discuss a conceptual site plan, site issues and application of Ordinance standards, prior to submitting site plans for formal review.

1. Any person may also request that a conceptual site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall have sufficient detail to permit the Planning Commission to determine relationships of the site to nearby land, adequacy of landscaping, open space, access, parking, and other features.

2. Comments and suggestions by the Planning Commission regarding a conceptual site plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a site plan.

B. Submittal requirements

The site plan shall contain all of the information and site details required by Article 35 (Required Information for Site Plans).

C. Application

The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the Township. Any application or site plan that does not satisfy the information requirements of this Section shall be considered incomplete, and shall be returned to the applicant, except that one copy shall be retained for Township records.

D. Technical review

Prior to Planning Commission consideration, the site plan and application shall be distributed to appropriate Township officials and staff for review and comment. The Planning Director may also submit the plans to applicable outside agencies and designated Township consultants for review and comment.

E. Planning Commission consideration of the site plan

The Planning Commission shall review the site plan, together with any reports and recommendations from Township officials, staff, consultants, and other reviewing agencies and any public comments. The Planning Commission shall then make a determination based on the requirements of this Ordinance and the standards of Article 35 (Standards for Site Plan Approval). The Planning Commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:

1. **Postponement.** Upon determination by the Planning Commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the Planning Commission may postpone consideration until a later meeting.

2. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan may be denied.

   If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial.

3. **Approval.** Upon determination that a site plan is in compliance with the standards and regulations set forth in this Ordinance, the site plan shall be approved.

4. **Approval subject to conditions.** The Planning Commission may approve a site plan, subject to any conditions necessary to address required modifications, ensure that public services and facilities can accommodate the proposed use, protect significant site features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this Ordinance.

SECTION 35.05. Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

SECTION 35.06. Construction Plans

When detailed construction or engineering plans are required by the Township, county or other agency with jurisdiction, the applicant shall submit copies of such plans to the Township for review and approval. The Township Engineer or designated consultant shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.

A. Where construction or engineering plans are not consistent with the approved site plan, the Township Engineer or designated consultant shall direct the applicant to revise the plans to conform to the approved site plan.

B. Where specific engineering requirements or conditions require an alteration from the approved site design, such construction or engineering plans shall be subject to review and approval by the Planning Commission as an amended site plan, prior to the start of development or construction on the site.

SECTION 35.07. Approval of Phased Developments

The Planning Commission may grant approval for site plans with multiple phases, subject to the following:

A. The site design and layout for all phases and outlots are shown on the site plan to ensure proper development of the overall site.

B. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independent of any improvements planned for later phases.

Each phase shall be subject to a separate plan review by the Planning Commission. Any revisions to the approved site plan shall be reviewed in accordance with Article 35 (Revisions to Approved Site Plans).

SECTION 35.08. Site Plan Resubmission

A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that the applicant has addressed the reasons for the original denial, the Planning Commission shall review the amended site plan as if it were a new application, per Article 35 (Site Plan Review Procedure).

SECTION 35.09. Appeals

The Zoning Board of Appeals (ZBA) shall not have the authority to consider appeals of site plan determinations, except as follows:

A. **Appeals of Planning Commission actions.** Appeals of Planning Commission site plan review actions shall be subject to the review procedure and criteria for appeals of administrative actions, as specified in Article 41 (Administrative Appeals).

B. **Order of review**. Development projects requiring approval of a dimensional variance and a site plan shall first be submitted for site plan review, prior to ZBA consideration of dimensional variances.

C. **Appeals of Planning Commission actions.** If the Planning Commission approves a site plan contingent upon approval of one or more variances from specific requirements of

this Ordinance, ZBA consideration shall be limited to the specific variances identified as conditions of site plan approval.

SECTION 35.10. Site Plan Expiration

Any site plan receiving approval shall be effective for a period of 365 days, or the life of a Building Permit obtained pursuant to the approved site plan, whichever is longer. If construction is not undertaken within the period that the site plan is effective, no construction shall take place unless there has been an extension approved by the Planning Commission, and before the extension is granted there is compliance with applicable site plan requirements that are in effect at the time of the extension.

SECTION 35.11. Rescinding Approval of Site Plans

Upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval, the Planning Commission shall work with the applicant to resolve the unaddressed issues. If this effort fails, then the site plan may be rescinded by the Planning Commission. Such action shall be subject to the following:

A. **Public hearing.** Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in this Ordinance at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

B. **Determination.** Subsequent to the hearing, the decision of the Planning Commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.

SECTION 35.12. Revisions to Approved Site Plans

The Planning Director may administratively review and approve minor revisions to an approved site plan, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan not considered by the Planning Director to be minor shall be reviewed by the Planning Commission as an amended site plan, per Article 35 (Site Plan Review Procedure).

SECTION 35.13. Standards for Site Plan Approval

In the process of reviewing the site plan, the Planning Commission shall determine that there has been compliance with the following requirements before approval:

A. **Adequacy of information.** The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable Ordinance requirements.

B. **Site appearance and coordination.** The site is designed in a manner that promotes the normal and orderly development of surrounding property, and all site design elements are harmoniously organized in relation to topography, adjacent facilities, traffic circulation, building orientation, and pedestrian access and safety.

C. **Harmonious Relationship.** There shall be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

D. **Preservation of site features.** The site design preserves and conserves natural, cultural, historical and architectural site features, including architecturally or historically significant buildings, archeological sites, wetlands, topography, tree rows, hedgerows, woodlands, and significant individual trees, to the extent feasible.

E. **Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing and planned public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.

F. **Vehicular access and circulation**. Drives, cross-access drives, shared drives, roads, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent roads and promote safe and efficient traffic circulation within the site.

G. **Building design and architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood and area with regard to scale, mass, proportion, and materials.

H. **Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible**.**

I. **Landscaping and screening**. Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way. Further, landscape improvements shall be provided consistent with the desired public frontage character of the surrounding neighborhood and area. On-site landscaping shall enhance the visual appeal of the site and uses.

J. **Exterior lighting**. All exterior lighting fixtures are designed arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security**.**

K. **Impact upon public services.** The proposed development shall not place an undue burden on public roads, schools or other facilities and shall not compel significant expenditure of public funds.

L. **Drainage and soil erosion.** Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely impacted by stormwater runoff and sedimentation.

M. **Emergency access and vulnerability to hazards.** All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the Township's emergency response capabilities.

SECTION 35.14. Compliance with an Approved Site Plan

It shall be the responsibility of the property owner(s), and their assignees and successors, and the owner(s) or operator(s) of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.

A. Failure to comply with the provisions of this Section shall be a violation of this Ordinance and shall be subject to the penalties specified in Article 1 (Violations and Penalties).

B. The Building Director and Planning Director shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to rescind site plan approval.

C. If site plan approval is rescinded, all uses on the site shall be suspended unless or until a new or amended site plan is approved or the violations are corrected or mitigated.

m:\ctc\zoning ordinance\current ordinance\article 35 - site plan review.doc

ARTICLE 36
CONDITIONAL REZONING

SECTION 36.01. Intent

The Township recognizes that in certain instances, it is advantageous to the Township and to property owners seeking rezoning if the application for rezoning is accompanied by a site plan and is subject to certain conditions. Accordingly, it is the intent of this Section to implement the provisions of Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), authorizing an owner to voluntarily offer and a township to approve, certain use and development of land as a condition to the rezoning of such land ("Conditional Rezoning"). It is the intent of the Township that a petition for Conditional Rezoning be considered only in the event that the conditions offered by the petitioner are voluntary, and are adequate, in the opinion of the Township, to address any otherwise potentially negative effects of the rezoning on the health, safety, general welfare, and comfort of the residents of the abutting property, neighborhood and Township.

SECTION 36.02. Definitions

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

A. **Conditional Rezoning Agreement.** An agreement between the property owner and the Township setting forth the terms and conditions of the Conditional Rezoning, as offered by property owner and approved by the Township, which agreement shall be executed by both parties, and recorded in the Oakland County property records. The agreement shall specifically include an acknowledgement that the terms and conditions contained therein shall be binding covenants, as set forth below.

B. **Conditional Rezoning Plan**. A plan for re-zoning of a property, subject to certain conditions proposed by the property owner, including legal descriptions, drawings and narrative descriptions of the proposed development, and a timetable, as set forth below.

SECTION 36.03. Eligibility

The following conditions of eligibility shall apply to a petition for Conditional Rezoning ("Petition"):

A. A Petition may be submitted only by the owner of the land proposed for rezoning or by an applicant with the written and notarized consent of the owner of the land proposed for rezoning. The petitioner shall attest to his authority to subject the land to the conditions offered, by execution and recordation of such conditions, covenants, and restrictions as may be required to legally and permanently bind the owner, its heirs, assigns, and successors in interest. The Petition shall be accompanied by a Title Insurance Commitment showing title in the name of Petitioner(s).

B. A Petition may be considered for land in any zoning district, for rezoning to any other zoning district, provided such rezoning shall meet or exceed the Minimum Standards set forth below**.**

C. A Petition shall propose a rezoning of the land to a new zoning classification, and shall, as part of such proposal, include certain voluntary site-specific development and/or use conditions materially restricting the development and/or uses otherwise allowable under the proposed new zoning classification. The petition shall not propose any development and/or use not otherwise allowable under the proposed new zoning classification

D. A Conditional Rezoning Plan shall be considered by the Township Board only in conjunction with approval, on recommendation of the Planning Commission and the Township Attorney, of a corresponding Conditional Rezoning Agreement.

E. Approval of the Conditional Rezoning Plan and Agreement shall effect the rezoning of the property, subject to the conditions imposed therein, and subject to such site plan, special land use, plat, and/or condominium approvals as may be required.

SECTION 36.04. Minimum Standards

A Petition shall be considered for approval only when it is determined by the Township, in its sole discretion, that the Conditional Rezoning meets or exceeds the following minimum standards:

A. The proposed rezoning will benefit the public interest, such that the expected benefits of the rezoning, subject to the conditions offered, clearly outweigh any reasonably foreseeable detriment.

B. The proposed rezoning shall include conditions sufficient to assure the integration of the proposed development and use with the surrounding land uses and to protect the public health, safety, and welfare.

C. The specific uses proposed in conjunction with the rezoning do not adversely affect the public utility or traffic systems, drainage or the environment.

SECTION 36.05. Permitted Conditions and Limitations

The following conditions of use and/or development of the land proposed for rezoning may be included in the petition for Conditional Rezoning, provided such conditions are voluntarily proposed by the petitioner; are in response to, and roughly proportionate to, the impacts of the proposed development and use of the property; and otherwise satisfy the conditions and standards set forth above:

A. Conditions detailing the permitted uses of the development**.**

B. Conditions on the location, size, height, or other physical characteristics of any structures or improvements proposed for development on the land.

C. Conditions limiting the density of development or the intensity of the use, including but not limited to the specific types of uses and hours of operation, of the land proposed for rezoning.

D. Conditions related to drainage, water and sewer capacity and quality, and adequacy and effect on other public utilities in the area.

E. Conditions related to traffic volume, flow, and management affected by the proposed development and use.

F. Conditions related to the preservation of natural features, resources, open space, and buffers located on, or impacted by development of the land proposed for rezoning, including provisions to assure permanent maintenance of the same.

G. Such other conditions as may be deemed important to the development and to the protection of public interests.

SECTION 36.06. Conditional Rezoning Petition and Review Process

Subject to the criteria for eligibility and standards set forth above, a Petition may, at the sole election of the petitioner, voluntarily offer any conditions and/or limitations on the development and/or use of the land proposed for rezoning, as set forth above. Such Petition shall be entitled a Petition for Conditional Rezoning, and shall be subject to the review procedures, requirements, and approvals set forth herein.

A. Petition Requirements.

The Petition for Conditional Rezoning shall contain or be accompanied by:

1. A Conditional Rezoning Plan for development and use drafted by an architect or engineer, which plan shall include drawings and descriptions in sufficient detail for the Planning Commission to identify areas of potential concern in the proposed development and use of the land and to preliminarily evaluate the adequacy of the proposed conditions to address those concerns. The Conditional Rezoning Plan shall not replace the requirement for site plan, special land use, subdivision, or condominium approval as applicable, but shall, generally, contain those provisions required by Article 35.

2. A narrative description of the proposed development and use, and all proposed conditions and limitations thereon.

3. A narrative analysis of the anticipated impact of the proposed development and use on the community, as well as the relationship of proposed conditions and limitations to these anticipated impacts. Such analysis shall include a review of surrounding zoning classifications, adequacy of existing and proposed infrastructure, utilities, and services, traffic volume and flow, access management, air quality, noise levels, and other related factors affecting the health, safety and welfare of the community.

4. A proposed timetable for completion of the development.

5. A legal description of the land to which it pertains.

B. **Fees.** The Petition shall also be accompanied by the fees set forth in the Charter Township of Commerce Fee Ordinance, which fees shall be sufficient to defray the costs of the review of the Petition by the Planning Commission, and the expenses incurred by the Township for consultant review, drafting, publication, hearings, recordation, and other related expenses.

C. **Preliminary Conference.** On receipt of a Petition that meets the requirements of Article 36, the Planning Director shall schedule a preliminary conference with the petitioner, the Township Supervisor, and the Township Attorney, to determine the eligibility of the petition and the validity of the conditions for rezoning.

D. **Optional Preliminary Review.** Following a determination of eligibility, the Petition may be forwarded for preliminary review by the Planning Commission. If requested by the petitioner, the Planning Commission shall review the Petition and informally address any concerns relative to the development or use proposed in the Petition. No opinion expressed by the Planning Commission shall be construed as an approval, or guarantee of approval, of the rezoning**.**

E. **Formal Planning Commission Review.** Upon completion of the preliminary conference and optional preliminary review, if elected, a Petition meeting the petition and eligibility requirements shall be submitted to the Planning Commission for formal consideration pursuant to Article 3. Following notice and a hearing in accordance with M.C.L. §125.3103 *et. seq.*, the Planning Commission shall complete its review of the Petition, and shall report its findings of fact along with its recommendations to the Township Board.

F. **Conditional Rezoning Agreement.** Upon favorable recommendation of the Planning Commission, the Township Attorney shall draft a Conditional Rezoning Agreement meeting the requirements of this Ordinance and setting forth the conditions and limitations proposed by the petitioner. The Conditional Rezoning Agreement shall be executed by the petitioner and forwarded to the Township Board for consideration along with the findings and recommendations of the Planning Commission.

G. **Township Board Review.** Upon receipt of the Planning Commission's recommendations to the Township Board, and the proposed Conditional Rezoning Agreement executed by the petitioner, the Petition for rezoning shall be scheduled for consideration by the Township Board. Based on the findings of fact reported by the Planning Commission, and approval of the Conditional Rezoning Agreement by the Township Attorney, the Township Board may, in its sole discretion, and based upon the standards set forth in herein, approve or deny the petition. The Township Board shall state its decision along with the basis for the decision on the record.

SECTION 36.07. Conditional Rezoning Agreement

The Conditional Rezoning Agreement shall be prepared by the Township Attorney in consultation with the petitioner. The Agreement shall include, but shall not be limited to, the following recitations.

A. **Authority.** That the petitioner has the authority to request, and to submit the land to, the rezoning.

B. **Voluntary Conditions.** That the petitioner acknowledges that the conditions of rezoning are offered voluntarily by the petitioner and that all conditions and limitations are in response to, and roughly proportionate to, the impacts of the proposed development and use of the property**.**

C. **Time Period.** That failure of the petitioner to satisfy the conditions and requirements of development within the time period set forth therein shall constitute a breach of the Agreement, which breach shall result in a reversion to the former zoning classification, unless the Township Board agrees in writing to extend the time period. The Township Board may extend the time period if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the conditional rezoning incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. In the event of an extension, reversion shall occur if all conditions and requirements are not satisfied within the agreed upon extended time period.

D. **Binding Covenants.** That the Agreement touches and concerns the rezoned land and that the petitioner intends that the covenants and restrictions contained therein shall run with the land and shall be binding on petitioner's heirs, assigns, and successors in interest.

E. **Reversion.** That any breach of the Agreement by the petitioner, or by its heirs, assigns or successors in interest, or any other act or event resulting in the Agreement becoming void, shall, at the discretion of the Township, void the rezoning, and result in a suspension of any and all rights to development and use until such time as a new zoning classification is established for the land. That any such breach or act shall not void the terms and conditions of the Agreement relative to the costs of the rezoning, or to the mechanisms for enforcement of the Agreement.

SECTION 36.08. Implementation and Enforcement

Following approval of a Conditional Rezoning by the Township Board, the Township shall implement and enforce the rezoning pursuant to the terms of the Zoning Ordinance, and shall also provide notice and monitor compliance as follows:

A. **Zoning Map.** The zoning map shall be amended to indicate the new zoning, along with a notation that the zoning is "Conditional." The new zoning classification shall govern development and use of the land, subject to all terms and conditions contained in the Conditional Rezoning Agreement.

B. **Conditional Rezoning Agreement**. The Township Attorney shall oversee recordation of the Conditional Rezoning Agreement in the offices of the Register of Deeds of Oakland County.

C. **Enforcement.** The Planning Director shall review all development and use of the property for compliance with the new zoning classification, subject to the terms and conditions of the Conditional Rezoning Agreement. Any development or use of the land in violation of the terms and conditions of the Rezoning Agreement, or of the new zoning classification, shall, in the sole discretion of the Township Board, result in reversion to the zoning classification applicable just prior to the Conditional Rezoning. Reversion shall be accomplished in accordance with Article 3, except that the findings of fact necessary to support reversion shall be limited to those evidencing a breach of the Conditional Rezoning Agreement. Upon rezoning following a breach of the Conditional Rezoning Agreement, the property shall be returned to a state of compliance with the Zoning Classification and Ordinance provisions then applicable.

ARTICLE 37
CONDOMINIUM REGULATIONS

SECTION 37.01. Purpose

The purpose of this Article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the development district.

Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this Ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the Township's development standards. The intent of this Article is to ensure that condominium subdivisions are developed in compliance with all applicable standards of this Ordinance and the Commerce Charter Township Code, except that the review procedures of this Article and Ordinance shall apply.

It is the intent of this Article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act (P.A. 288 of 1967, as amended) and the Commerce Charter Township Code, except that nothing in this Article shall be construed to require a site condominium development to obtain plat approval.

SECTION 37.02. Condominium Unit Requirements

The following regulations shall apply to all condominium units:

A. Types of Permitted Condominium Units

The following types of condominium units shall be permitted under this Article, subject to conformance with the development district standards of this Ordinance:

1. Single-family detached units. Condominium projects in any residential district shall comply with all setback, height, coverage, and area restrictions in the same manner as those standards would be applied to platted lots in a subdivision. Single family detached condominiums shall be subject to all requirements and standards of the applicable R-1A, R-1B, R-1C and R-1D Districts, including minimum floor area requirements.

   In the case of a site condominium project, not more than one (1) single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit in a site condominium may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this Ordinance.

2. Attached residential or multiple-family residential units. Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform to all requirements of this Ordinance and the applicable development district.

3. Non-residential condominium units. A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district.

B. Condominium Unit or Site Condominium Lot

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Commerce Charter Township Code, and shall comply with the dimensional standards of the development district.

C. Area Computation

The minimum area of the site condominium unit shall be equivalent to the minimum lot area and lot width requirements for the development district where the project is located. Areas within a public or private road right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

D. Relocation of Lot Boundaries

The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the development district in which the lot is located and shall be subject to the review procedures specified in Article 35 (Site Plan Review).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of the zoning district or shall be placed into common areas within the project.

SECTION 37.03. Review Requirements

A condominium project shall be subject to the site plan review procedures specified in Article 35 (Site Plan Review), and the following:

A. Conceptual Review

To minimize time, costs and interpretation of Township development requirements, applicants are encouraged to meet informally with the Planning Director and other Township officials to discuss a conceptual condominium site plan, site issues and application of Ordinance standards, prior to submitting plans for formal review.

1. Any person may also request that a conceptual condominium site plan be placed on a regular Planning Commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by Article 37 (Conceptual Condominium Plan Requirements).

2. Comments and suggestions by the Township regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the Township be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of a pre-preliminary plat review, as specified in the Commerce Charter Township Code.

B. Condominium Site Plan Review

Prior to recording of the Master Deed of the condominium project as required by the Condominium Act, (P.A. 59 of 1978, as amended), each condominium project shall be subject to review and approval of a condominium site plan by the Planning Commission and the Township Board. The plan shall include all information required by Article 37 (Condominium Site Plan Requirements).

The Planning Commission and Township Board shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in Article 35 (Site Plan Review Procedure), and the standards for approval specified in Article 35 (Standards for Site Plan Approval).

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as specified in the Commerce Charter Township Code

C. Outside Agency Permits or Approvals

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

D. Condominium Construction Plans

When detailed construction or engineering plans are required by the Township, county, or other agency with jurisdiction, such plans shall be reviewed by the Township in

accordance with Article 35 (Construction Plans). The plan shall include all information required by Article 37 (Condominium Construction Plan Requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as specified in the Commerce Charter Township Code.

SECTION 37.04. Required Plan Information

A. Conceptual Condominium Plan Requirements

The following information shall be included with a conceptual condominium site plan:

1. Ownership interest. Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).

2. Developer. Identification of the developer, if different from the owner.

3. Proposed use. The proposed use(s) of the condominium project.

4. Density. The total acreage of the condominium site, acreage set aside for road rights-of-way or easement, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.

5. Circulation. The vehicular and pedestrian circulation system planned for the proposed development, including the designation of roads for dedication to the public.

6. Road layout. The location of existing roads adjacent to the development, with details for the location and design of interior roads and access drives, and proposed connections to abutting roads.

7. Unit lot orientation. The proposed layout of structures, unit lots, parking areas, open space and recreation areas.

8. Drainage. Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;

9. Natural features. Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.

10. Sidewalks. The location of sidewalks along both sides of the roads throughout the development, which shall be in the road right-of-way, one foot off the right-of-way line.

B. Condominium Site Plan Requirements

The following information shall be included with a condominium site plan:

1. Site plan information. All information required for a site plan review, as specified in Article 35 (Required Information for Site Plans). Additionally, for condominium subdivision (site condominium) developments, all information required for preliminary plat approval per the Commerce Charter Township Code shall be provided on the condominium subdivision plan.

2. Condominium restrictions. All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.

3. Common areas defined. Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.

4. Documents. The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for Township Attorney review.

5. Additional information. The following additional information shall be submitted for Township review:

    a. Cross sections of roads, driveways, shared driveways, sidewalks, and other paved areas.

    b. Details of any proposed sanitary, storm, and water system improvements.

    c. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.

C. Condominium Construction Plan Requirements

The following shall be submitted to the Township as part of any construction or engineering plans for a condominium project:

1. Revised plan. A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.

2. Outside agency approvals. Verification of all required state and county approvals or comments pursuant to Article 37 (Outside Agency Permits or Approvals) above.

3. Notice of proposed action. Pursuant to Michigan Public Act 59 of 1978, as amended (Condominium Act) not less than ten (10) days before taking reservations under a preliminary reservation agreement for a unit in a condominium project, recording a master deed for a project, or beginning construction of a project which is intended to be a condominium project at the time construction is begun, whichever is earliest, a written notice of the proposed action shall be provided to each of the following:

   a. The Charter Township of Commerce.

   b. The Road Commission for Oakland County and the Oakland County Water Resource Commissioner.

   c. The Michigan Department of Environmental Quality.

   d. The Michigan Transportation Department.

4. Condominium documents. Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium subdivision plan (Exhibit B).

SECTION 37.05. Project Standards

The following standards are applicable to condominiums:

A. Use Standards

Uses within a condominium project shall be regulated by standards of the district where the project is located.

B. Subdivision Requirements

All design standards and requirements for roads, sidewalks, utilities, storm drainage, and subdivision lots specified in the Land Division Act (P.A. 288 of 1967, as amended), the Commerce Charter Township Code, and Article 6 (Dimensional Standards) shall apply to condominium subdivision (site condominium) projects.

C. Setbacks

The setback requirements of the underlying district, as specified in Article 6 (Dimensional Standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot, road right-of-way line, or road easement to the nearest part of the structure or building envelope.

D. Utility Connections

Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.

E. Roads and Sidewalks

The internal circulation system shall provide adequate means of vehicular and non-vehicular circulation, subject to the following:

1. Roads. The proposed development shall provide logical extensions of existing or planned roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Internal roads and road rights-of-way shall be designed to meet the requirements of the Road Commission for Oakland County residential road design standards and shall be dedicated to the Road Commission for Oakland County.

2. Sidewalks and pedestrian paths. To provide access to all common areas and uses, minimum five (5) foot wide concrete sidewalks shall be provided along both sides of all interior and perimeter roads serving a condominium development. Pedestrian access and circulation shall be further subject to the following:

   a. Additional pedestrian paths of concrete, asphalt, crushed limestone or similar material approved by the Planning Commission may be provided for secondary pedestrian access and circulation within and through the site.

   b. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable.

   c. The Planning Commission may approve alternative sidewalk locations or may waive the sidewalk requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

3. Traffic impacts. Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Planning Commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Planning Commission may require a traffic impact study.

SECTION 37.06. Monuments

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as prescribed by the rules of the state of Michigan.

The Township Board may waive the placing of any of the required monuments and markers for a reasonable time period, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash, certified check, or irrevocable bank letter of credit for the benefit

of the Charter Township of Commerce, whichever the proprietor selects, in an amount not less than 125% of the cost of installation, as determined by the Township Engineer. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified.

SECTION 37.07. Post Construction Requirements

A. Document Submittals

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Building Director:

   a. One (1) copy of the recorded Master Deed and all restrictive covenants, as approved by the Township Engineer, Township Attorney and Planning Commission;

   b. Two (2) copies of the project site plan and an "as built survey," for all utilities including but not limited to natural gas, telephone, electrical, cable, television, municipal water, storm sewers and sanitary sewers as provided in Commerce Charter Township Code. The as-built plans shall contain a statement certifying that all utilities are placed in conformance with the as-built plans. The statement shall be sealed by a Registered Professional Engineer prior to acceptance by the Township; and

   c. One (1) copy of the project site plan and an "as built survey," as specified above, in an electronic format acceptable to the Township.

2. The Building Director may withhold the issuing of any certificate of occupancy for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Building Director to do so.

3. The developer or proprietor shall also record all condominium documents and exhibits with the County Register of Deeds office in a manner and format acceptable to the County and deliver proof of such recording to the Township.

B. Temporary Occupancy

The Building Director may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a performance guarantee is submitted sufficient in amount (not less than 125% of the value of the improvement) to provide for the installation of improvements without expense to the Township before the expiration of the Temporary Occupancy Permit.

C. Plan Revisions

If the condominium subdivision plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the

Township for review and approval in accordance with Article 35 (Revisions to Approved Site Plans).

D. Amended Documents

Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the Planning Commission and Township Board for review and approval, prior to the issuance of a building permit.

E. Condominium Site Plan Expiration

Condominium site plans shall expire 365 days after the date of approval, or the life of the Building Permit obtained pursuant to the approved site plan, whichever is longer. Upon written request received by the Township prior to the expiration date, the Planning Commission may grant one (1) extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this Ordinance.

F. Rescinding Approval of a Condominium Site Plan

Condominium site plan approval may be rescinded by the Planning Commission and Township Board upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of Article 35 (Rescinding Approval of Site Plans).

ARTICLE 38
PLANNED UNIT DEVELOPMENT (PUD)

SECTION 38.01. Purpose

The purpose of this Article is to implement the provisions of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, authorizing the use of Planned Unit Developments (PUD) to allow the use of regulatory flexibility in the consideration of proposed land uses within the Township consistent with the requirements of the Township's Master Use Plan. It is the intent of the Township that the standards within the Zoning Ordinance may be increased, decreased, waived, or otherwise modified under the provisions of this Article to promote development that achieves one or more of the following objectives:

- A significantly greater preservation of open space and natural resources;
- Providing community amenities;
- Other recognizable benefits beyond those afforded by development that adheres strictly to the minimum requirements of the underlying zoning classification applicable to the property.

SECTION 38.02. Qualifying Conditions

A. Qualifying Conditions for all PUDs

1. The PUD site shall be under the control of one (1) owner or group of owners and shall be capable of being planned and developed as one (1) integral unit.

2. A PUD may only be approved in conjunction with an approved PUD concept plan and a written PUD Agreement between the Township and the property owners.

3. A PUD may be approved in any zoning district.

4. The Township may approve a PUD on certain property or properties following the application and approval procedures below.

5. The applicant's submission pursuant to Article 38 PUD, Application Submittal Requirements, must demonstrate that the proposed PUD is recommended for planned unit development in the Township's adopted Master Plan or includes areas indicated in the Township's adopted Master Plan as having significant natural, historical, or architectural features. The Township may also qualify sites where an innovative, unified, planned approach to developing the site would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional zoning would allow.

6. If multiple uses are contained in a PUD, then such uses must be complementary in nature.

7. If a PUD includes residential uses, the housing types must be clustered to preserve common open space, in a design not feasible under the underlying zoning district regulations.

8. A PUD shall achieve a higher quality development than is otherwise possible with the regulations for the underlying zoning district.

9. A PUD shall result in a recognizable and substantial benefit to ultimate users of the project and to the community. The benefit to the community must be proportionate to the modifications of the Township standards being requested. Such benefits may include, but are not limited to the following:

   a. Preservation or enhancement of significant natural features or open space.

   b. Provide a complementary variety of housing.

   c. Provide a civic facility or other substantial public improvement.

   d. Alleviate traffic congestion.

   e. Provide for the appropriate redevelopment or reuse of sites designated as local historic districts (including non-contiguous districts), or parcels occupied by prior or obsolete non-residential uses.

10. A PUD shall further other public objectives identified in the Township Master Plan.

SECTION 38.03. PUD Review Process

The PUD review process consists of the following procedures (see graphic):

A. Pre-application Conference

Before submitting an application for approval of a PUD, the applicant shall confer in a pre-application conference with the Township Supervisor, Planning Director, and the Building Director to obtain information and guidance regarding land development regulations, the Township's Master Plan and the application process. At the pre-application conference the applicant shall submit a concept plan for the proposed PUD, containing both maps and a written statement. The plan should include enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed, and should contain sufficient detail to permit a meaningful exchange of ideas between the applicant and Township staff regarding the suitability of utilizing a PUD approach to the development of the subject property.

B. Preliminary Review

Preliminary review by the Planning Commission shall be required. Sufficient information regarding the proposed uses, density, intensity, road layouts, design concepts, and the relationship of the proposed PUD to surrounding area must be

provided. The Planning Commission shall take no formal action during preliminary review.

C. Planning Commission Review of PUD

Upon completion of the preapplication conference stage, a PUD application meeting the submission requirements of Article 38, PUD Application Submittal Requirements, shall be submitted to the Planning Commission for its review.

D. Public Hearing

A public hearing on the PUD shall be held by the Planning Commission, with notification that shall be provided as follows:

1. Notice shall be published in a newspaper of general circulation in Commerce Charter Township not less than fifteen (15) days prior to the public hearing scheduled.

2. Notice shall also be sent by mail or personal delivery to the owners of all property for which approval is being considered, to the owners of all real property within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless whether the property or occupant is located within the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. This notice shall be sent not less than fifteen (15) days prior to the date of the public hearing scheduled.

3. The notice shall contain:

    a. A description of the nature of the request to be heard.

    b. A description of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.

    c. A statement of when and where the request will be considered.

    d. An indication of when and where written comments will be received concerning the request.

E. Recommendation By Planning Commission

After the public hearing, the Planning Commission, using the standards in Article 38, Qualifying Conditions, and, to the extent they are applicable to review of the PUD application, the standards in Article 38, Project Design Standards, shall make a recommendation to the Township Board of approval, approval with modifications, or

disapproval of the PUD, as represented by the PUD plan and accompanying materials. The Planning Commission shall prepare a report stating its conclusions on the PUD request, the basis for its recommendation, the recommendation, and any conditions relating to an affirmative recommendation.

F. Township Board Review of PUD

Upon receipt of the Planning Commission's recommendation, the Township Board shall make a decision on the PUD application. Based upon the standards in Article 38, Qualifying Conditions, and, to the extent they are applicable to review of the PUD application, the standards in Article 38, Project Design Standards, the Township Board may deny, approve, or approve with conditions the proposed PUD. The Township Board shall prepare a report stating its conclusions on the PUD application, the basis for its decision, the decision, and any conditions relating to an affirmative decision.

G. PUD Site Plan Review

A complete site plan shall be submitted for review pursuant to Article 38 Site Plan Review, for each phase(s) of an approved PUD plan.

H. Enforcement

The Building Director or his/her designee shall review all building permits for an approved PUD project for compliance with the terms of the approved PUD agreement, and the Commerce Charter Township Code and any other applicable codes and ordinances.

PUD Review Process
Charter Township of Commerce

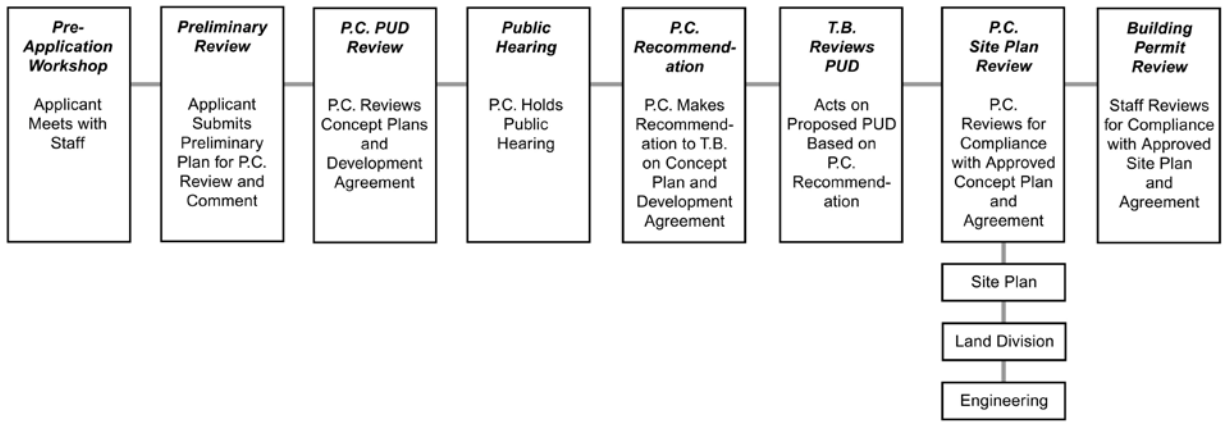


Figure 1

SECTION 38.04. PUD Application Submittal Requirements

A. Requirements.

The PUD application shall include all the following information, unless the Planning Director determines that some of the required information is not reasonably necessary for the consideration of the PUD:

1. Application Fee. Application form and required fee.

2. Proof of Property Ownership.

3. Period of Time. A narrative indicating the period of time within which it is contemplated the project will be completed.

4. Concept Plan. A Concept Plan showing a layout of the uses and structures in the PUD and their locations.

5. Access Easements. Written verification of access easements or agreements, if applicable.

6. Qualifying Conditions. Information pursuant to Article 38 Qualifying Conditions.

7. Impact Statements. Graphics or written materials requested by the Planning Commission or Township Board to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public primary and secondary schools and utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.

8. Impact on Surroundings. Additional information that may be reasonably necessary for a full and complete consideration of the proposed PUD and its impact on the immediately surrounding area and the Township as a whole.

9. PUD Agreement. The applicant shall propose terms for a PUD to be prepared by the Township Attorney. The PUD Agreement shall include the specific terms and conditions of approval, including terms related to administration of the project and those matters subject to approval by the Planning Director. The PUD Agreement shall be recorded at the Office of the Oakland County Register of Deeds.

10. Community Impact Statement. The application for PUD review shall include a Community Impact Statement. The statement shall be derived from a study of the Township based on information from the following community elements:

    a. Planning/zoning issues, including conformance with the Master Plan, Zoning Ordinance, other applicable township codes and policies, the Commerce Charter Township Code and state, county, and federal laws and regulations.

b. Land development issues, including topographic, soil conditions, and site safety concerns.

c. Private utilities consumption, including electrical needs and natural gas utilization.

d. Noise level conditions.

e. Air quality conditions.

f. Environmental design and historic values including visual quality and historic resources.

g. Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.

h. Public safety needs, including police, fire and emergency medical services.

i. Open space landscaping and recreation, including cultural elements.

j. Traffic impact study.

SECTION 38.05. PUD Site Plan Review

For the total PUD or for each phase of the PUD, if phasing of development is planned, a site plan review is required in accordance with Article 35 prior to the issuance of any permits. If a PUD is proposed in phases, then an overall concept plan that shows the entire development and the anticipated phasing must be submitted. The site plan submittal shall include the information required by Article 35, Required Information for Site Plans.

SECTION 38.06. Regulatory Flexibility

The Township Board, either during the PUD review stage, or after site plan review by the Planning Commission, may increase, decrease, waive, or otherwise modify the current standards within the Zoning Ordinance including, but not limited to: use, density, intensity, setbacks, building heights, parking, design standards, project design standards in Article 38, Project Design Standards, and landscape standards provided the modification is found to improve the quality of development above and beyond what could be developed under the underlying zoning, or results in a higher level of public benefit, and to achieve the purpose of this article.

SECTION 38.07. Project Design Standards

A. Design Guidelines

The following standards are intended as guidelines and may be modified by the Township under the provisions of Article 38, Regulatory Flexibility.

1. The Planning Commission and Township Board shall use any applicable standards for approval contained in the Commerce Charter Township Code and other Township Ordinances related to land use and any adopted development guidelines, as well as the standards contained in the Michigan Zoning and

Enabling Act, Public Act 110 of 2006, as amended, which are not inconsistent with the approved PUD plan or the PUD Agreement, in reviewing and approving a site plan.

2. Densities per Type of Development Area. For areas of detached single family housing, the density may not exceed three (3) dwelling units per acre; for areas for residential uses other than detached single-family housing, the density may not exceed eight (8) dwelling units per acre; for areas mixing detached single-family housing with other types of housing, appropriate density, lot sizes and developmental provisions shall be determined by the Township Board following review by the Planning Commission, considering the requirements of such districts. The Township may permit proportionate increases in density or intensity for projects that demonstrate a significant public benefit to the Township.

3. Open Spaces and Recreation Areas. A minimum of twenty percent (20%) of the gross PUD acreage shall be occupied by open space and recreation areas, which may include plazas. A maximum of ten percent (10%) of the open space and recreation areas may be composed of regulated wetlands.

   The land within one hundred (100) feet of a regulated wetland may be counted toward the overall density of a proposed project provided that the project will further certain public objectives which could not otherwise be achieved under conventional zoning, such as:

   - Preservation of natural features.
   - Public improvements.
   - Qualifying conditions listed in Article 38.
   - Objectives listed in the Township Master Plan.

4. Proposed Uses. The uses proposed will have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and traffic circulation system, surrounding properties, or the environment. The public benefit shall be one that could not be achieved under the regulations of the underlying district alone, or that of any other single zoning district.

5. Parking Spaces. The number and dimensions of off-street parking spaces shall be sufficient to meet the minimum required by the Zoning Ordinance. However, if the parking needs of the development can be met by a modification of such requirements, or where warranted by overlapping or shared parking arrangements, or where parking spaces can simultaneously accommodate more than one use, the Planning Commission or Township Board may adjust the required number of parking spaces. The Township Board may also allow portions of required parking spaces to be banked as open space until determined either by the owner or the Township that such spaces should be improved.

6. Road and Parking Construction Standards. All roads and parking areas within the planned unit development shall meet the minimum construction and other requirements of the Commerce Charter Township Code and other Township Ordinances, unless modified by the Township Board.

7. Landscaping. Existing landscaping shall be preserved and/or improved or additional landscaping shall be provided to ensure that proposed uses will be adequately buffered, where buffering is appropriate, from one another and from surrounding public and private property. The quality and/or quantity of landscaping materials shall exceed the minimums otherwise required by the Zoning Ordinance.

8. Natural, Historical and Architectural Features. The PUD plan shall demonstrate that the plan will preserve significant natural, historical, and architectural features, if any, and the integrity of the land.

9. Public Utilities. Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development.

10. Pedestrian and Vehicular Circulation. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and into the site shall be provided.

11. Vehicular Circulation. Drives, roads and other elements within the property shall be designed to implement the Circulation Plan in the Township Master Plan to promote safe and efficient traffic operations within the site and at its access points.

12. Master Plan. The uses proposed shall be consistent with the Township's Master Plan or the approved PUD concept plan.

13. Sidewalks and Multi-Purpose Paths. Sidewalks or multi-purpose paths shall be provided along major thoroughfares, where identified in the Township's Master Plan, and within the development, if deemed appropriate by the Planning Commission to provide safe and efficient non-motorized circulation.

SECTION 38.08. Status of Township Board Approval

Approval of a PUD application and execution and recording at the Oakland County Register of Deed's Office of a PUD Agreement (with the PUD Plan) containing all of the terms and conditions of approval by the Township Board confers on the applicant and any subsequent owners of the PUD property the right to utilize the property included as part of the approved PUD in accordance with the approved PUD Plan and PUD Agreement. The provisions of the PUD Agreement shall prevail over any inconsistent provisions of the Zoning Ordinance or the Commerce Charter Township Code and any other Township ordinance. An approved site plan shall take precedence over the approved PUD concept plan for the area of the approved site plan. Site Plan approval shall be granted only upon a determination by the Planning Commission that a

proposed site plan is consistent with all of the terms of the approved PUD agreement and the approved concept plan.

The Township Board may cause to have legal documents, covenants or contracts prepared which are not inconsistent with the PUD Agreement, and may require the execution thereof by the applicant, which documents involve the Township and are required as a result of the conditions contained in the PUD Agreement or the site plan approvals in a PUD area.

The Building Director shall review all building permits for an approved PUD project for compliance with the terms of the approved PUD agreement and the Commerce Charter Township Code and any other applicable codes and ordinances.

SECTION 38.09. Revocations or Changes

The Township Board, upon a breach of the PUD Agreement, may revoke a PUD or any portion thereof. Revocation of any portion of a PUD reverts that portion of the PUD to the status and requirements of the original zoned district, without benefit of the PUD provisions. Proposed changes in a PUD, other than those considered a part of site plan review for all or a portion of the PUD, must be processed in the same manner as the original PUD procedure.

SECTION 38.10. Appeals and Violations

The Zoning Board of Appeals shall not have the authority to change specific PUD written conditions, or make interpretations to an approved site plan, which right is reserved to the Township Board. In considering an appeal or interpretation of an approved PUD, the Township Board may request input from the Planning Commission.

Any violation or deviation from an approved site plan or written conditions, except as authorized in this Ordinance, shall be considered a violation of Article 38 and treated as a violation of this Ordinance. Furthermore, any such deviation may be grounds to invalidate the PUD designation.

The cost of enforcing violations of the approved PUD site plan or agreement shall be borne by the developer or their successors.

m:\ctc\zoning ordinance\current ordinance\article 38 - pud.doc

ARTICLE 39

NONCONFORMITIES

SECTION 39.01. Intent and Purpose

It is recognized that there exists within the districts established by this Ordinance lots, structures, sites and uses which were lawful prior to the effective date of adoption or amendment of this Ordinance, but that may be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. Such uses, structures, sites, and lots are declared to be incompatible with permitted uses in the districts involved. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed.

This Article is hereby established to:

- Regulate the use and development of nonconforming lots, completion, alteration or reconstruction of nonconforming structures, redevelopment or improvement of nonconforming sites, and maintenance, extension or substitution of nonconforming uses.
- Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
- Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular lot.

SECTION 39.02. Scope

Except as otherwise provided in this Article, any nonconforming lot, use, site or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible, and shall be required to convert to conforming status as required by this Article.

SECTION 39.03. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. Expansion Restricted

A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that increase or intensify a nonconformity shall be prohibited.

B. Normal Repairs and Maintenance

This Ordinance shall not prevent work required for compliance with the provisions of the state construction code enforced by the Township. Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems ("Minor Improvements") in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value (as determined by the Township Assessor or assessing agent) of the structure at the time such work is proposed.

It is recognized that the need for more significant improvements may be identified while Minor Improvements are being made. In such cases, the person making the Minor Improvements shall immediately cease work and seek approval for any additional improvements, repairs or reconstruction from the Building Official who shall only permit additional work if the cost of such work does not exceed the state equalized value of the structure (as determined by the Township Assessor or assessing agent) before the Minor Improvements were begun and if all work complies with the state construction code enforced by the Township. If both conditions are not met, then the structure shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance.

C. Buildings under Construction

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adopting or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent positions and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

D. Damaged or Unsafe Structures

A non-conforming structure damaged as a result of a natural disaster may be restored to its pre-damaged status if the damage did not reduce its pre-damaged fair market value by more than fifty (50%) percent (as determined by the Township Assessor or assessing agent). A non-conforming structure that is deconstructed, damaged, demolished or removed by the action of any person and/or damaged by a natural disaster in excess of fifty (50%) percent of the structure's pre-action fair market value shall not be rebuilt, repaired, or reconstructed, except in complete conformity with the provisions of this Ordinance and only if specifically authorized by this Ordinance. A "natural disaster" for purposes of this Section includes fire, wind, tornado, flooding or other Act of God.

Nonconforming structures that are declared to be physically unsafe by the Building Official shall not thereafter be restored, repaired or rebuilt.

E. Exemption for Certain Residential Dwellings

It is recognized that in some instances a strict prohibition against expansion of nonconforming structures may create an undue hardship on the owner of a single-family dwelling unit. In such instances, minor modifications of such structures may be reasonable and necessary to preserve or improve the quality of the neighborhood provided such modifications do not threaten public health, safety or welfare nor prevent the reasonable use of neighboring property. The Building Official may grant exceptions that allow expansion of a nonconforming one family dwelling or detached accessory structure in a way that increases the building's nonconformity if the expansion will satisfy one or more of the following criteria:

1. Where a dwelling and/or detached accessory structure is nonconforming due to insufficient side, rear or front yards a second story may be allowed provided the exterior walls of the second story encroach no further into any required yard than the existing walls of the structure.

2. An addition which serves to square off a dwelling and/or detached accessory structure, that is an addition to the walls of which are no closer to any property line than the closest walls of the existing dwelling and/or detached accessory structure, may be allowed however, provided the addition should not increase the floor area in the required yard by more than one hundred (100%) percent.

3. An addition which increases the first-floor area of a dwelling and/or detached accessory structure, adds additional building area in a required yard but is not simply squaring off the building as discussed above shall be permitted if all the following conditions are satisfied:

    a. The addition will not encroach further into any required yard than the existing dwelling and/or detached assessor structure;

    b. No more than five (5%) percent of the floor area of the addition may encroach into a required yard; and

    c. The addition shall comply with all other requirements of this Ordinance, for example the addition shall not encroach into any other required yard area into which the original does not encroach and shall comply with building spacing requirements.

The proposed expansion of the nonconforming structure and resulting structure shall conform with the character of existing development in the area and shall comply as closely as can reasonably be expected with the provisions of this Ordinance.

F. Nonconforming Signs.

See Article 30 (Nonconforming Signs).

G. Exemption for Replacement of Nonconforming Fences.

It is recognized that there exist fences which were lawful prior to the effective date of adoption or amendment of this Ordinance, but that may be prohibited under the terms of this Ordinance or future amendments. It is further recognized that fences, by the unique nature of their form and means of construction, are susceptible to damage and/or deterioration that warrants their reconstruction or replacement. It is the intent of this Section to allow a legal nonconforming fence that is not constructed in a statutory road right-of-way to be reconstructed or replaced – either in whole or in part – in a manner that does not increase its nonconformity.

1. A legal nonconforming fence may be reconstructed and/or replaced if the nonconforming nature of the fence is not expanded as determined by the Building Official or his/her designee. Any replacement fence shall consist of the same percentage of building materials as the fence it is replacing, or alternative materials of a higher quality as determined by the Building Official. The nonconforming fence shall be replaced within thirty (30) days of its removal or the right to replace the nonconforming fence is lost.

2. The determination of the Building Official or his/her designee may be appealed to the Zoning Board of Appeals (ZBA) per the Administrative Appeals procedures of Article 41 (Zoning Board of Appeals)

SECTION 39.04. Nonconforming Lots of Record

Existing lots of record that are not in compliance with the dimensional requirements of this Ordinance shall only be used, developed, or improved in accordance with the following:

A. Lot Division and Combination

A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots. Where possible, nonconforming lots of record shall be combined to create lots that comply with the dimensional requirements of this Ordinance.

B. Use of Nonconforming Lots

1. Single Lot of Record. Use of a nonconforming lot of record shall be subject to the regulations of this Ordinance for the district where it is located. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in

separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Variances from yard requirements shall be obtained only through action of the Board of Appeals, except in the case of front yard setbacks, where the Building Director may grant a permit for a building, where said building is to be built with a setback that is no closer than the average setback of forty (40%) percent of the developed frontage on the block (same street) or five hundred (500) feet each way, whichever is the lesser. In no case, however, may the Building Director grant a permit which allows a building to be built closer than twenty (20) feet to the front property line.

2. Two or More Contiguous Lots Under Single Ownership. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance, except under the condition that all the following standards are complied with:

   a. The lots shall be part of a platted subdivision where the lots therein were in compliance with the zoning regulations in effect at the time of platting.

   b. The division does not create any lot smaller than the original single platted lots.

   c. Yard requirements and other requirements of the zoning district in which the lots are located, not including lot area or width are met.

   d. The lots can each be proven to individually support adequate on site sanitary sewage disposal and water supply or can be connected to a public or community sanitary sewer and water system.

   e. A minimum of eighty (80%) percent of the similarly situated developed lots in the platted subdivision shall have a lot width and area no greater than that of the subject property. Similarly situated shall, in this instance, mean those lots which share common features of location such as lake front, or off lake lots, or lots located on a main road or other distinguishing characteristics which may have caused the subject property and those lots deemed similar to have been developed and or combined in a fashion substantially dissimilar to the remainder of the developed lots in the platted subdivision.

SECTION 39.05. Nonconforming Sites

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design standards of this Ordinance were established or amended. This Section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current Ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.

2. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.

3. The proposed site improvements shall include exterior lighting, landscaping, screening and building improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements, as determined by the Planning Commission.

4. The proposed site improvements shall include the installation, restoration or expansion of sidewalks within and through the site, where appropriate.

A reasonable timeline for completion of site improvements to a nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

SECTION 39.06. Nonconforming Uses

Nonconforming uses shall be allowed to continue after the effective date of this Ordinance or amendments thereto, subject to the following:

A. Compliance with Other Applicable Standards

Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, the Commerce Charter Township Code, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.

1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.

2. Failure to do so, or failure to bring the use into compliance with current laws, the Commerce Charter Township Code, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the Township to seek court approval to terminate or remove the use at the owner's expense.

B. Expansion Prohibited

Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area, or moved in whole or in part to any other portion of the lot or structure.

C. Cessation

A nonconforming use that ceases for a period of more than 365 days or is superseded by a conforming use shall not be resumed. The legal nonconforming status of a use shall end if the use ceases with an intent to abandon it. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to the use provisions of this Ordinance.

SECTION 39.07. Nonconforming Use Determinations

This Section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. When there is a question or dispute about the status of a particular use, such determinations shall be made in writing by the Township Building Director, with specific findings identified and a copy placed in the property file. Such determinations shall be subject to the following:

A. Standards for Determining that a Use is Nonconforming

The Building Director shall determine that a use is nonconforming upon finding that the following three (3) statements are true:

1. The use does not conform with the purpose and use regulations of the district where it is located.

2. The use is in compliance with all other applicable federal, state, and local laws, the Commerce Charter Township Code, ordinances, regulations and codes.

3. Evidence from a minimum of three (3) of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this Ordinance:

    a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

    b. b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.

c. c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.

d. d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.

e. e. Dated aerial photos from Oakland County, the Southeastern Michigan Council of Governments (SEMCOG) or other sources accepted by the Building Director.

f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

B. Standards for Determining that a Nonconforming Use has Ceased

The Building Director shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three (3) of the following six (6) statements are true:

1. Local, county or state government files or records show that the nonconforming use has ceased**.** Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.

2. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.

3. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.

4. Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.

5. Dated aerial photos from Oakland County, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as accepted by the Building Director show that the nonconforming use has ceased.

6. Other relevant information shows that the nonconforming use has ceased. Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

SECTION 39.08. Cessation of a Nonconforming Use by Township Action

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township Board of Trustees shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain, in accordance with Public Act 359 of 1947, as amended. The Township Board may, at its discretion, acquire private property by purchase, condemnation or otherwise for the purpose of removing a nonconforming use or structure, provided that the cost of acquiring such private property be paid from general funds or assessed to a special district established for that purpose.

SECTION 39.09. Substitution of Nonconforming Uses

A nonconforming use may not be substituted with another nonconforming use and shall be considered an unlawful use established in violation of this Ordinance.

SECTION 39.10. Unlawful Uses

There are two categories of permitted uses: conforming uses and legal nonconforming uses. All other uses shall be considered unlawful uses established in violation of this Ordinance.

SECTION 39.11. Change of Tenancy or Ownership

Change of tenancy, ownership or management does not change the nonconforming status of any existing nonconforming lot, structure, site or use.

ARTICLE 40

PLANNING COMMISSION

SECTION 40.01. Authority

The Commerce Charter Township Planning Commission is designated as the Planning Commission specified in Section 301 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which enables and governs the activities and procedures under this Ordinance.

SECTION 40.02. Jurisdiction

The Planning Commission shall have such powers, duties, and responsibilities as are expressly provided for in this Ordinance, the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), and the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended).

SECTION 40.03. Rules of Procedure

The Planning Commission shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance, Public Act 110 of 2006, as amended, Public Act 33 of 2008, as amended, and the adopted Charter Township of Commerce Planning Commission Bylaws and Rules of Procedure.

SECTION 40.04. Powers and Duties

The Planning Commission shall discharge the following duties pursuant to this Ordinance:

A. Zoning Ordinance

The Planning Commission shall perform the zoning duties of the zoning commission as provided in Public Act 110 of 2006, as amended, in this Ordinance.

The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments thereto, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board.

B. Site Plan Review

The Planning Commission shall be responsible for reviewing site plans and site plan amendments, and making determinations to approve, approve subject to conditions, or deny applications for site plan approval in accordance with Article 35 (Site Plan Review).

C. Special Land Use Review

The Planning Commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions, or deny applications for special land uses (and amendments to special land uses) in accordance with Article 34 (Special Land Uses).

D. Site Condominium Review

The Planning Commission shall be responsible for reviewing site condominium plans and site condominium plan amendments, and making determinations to approve, approve subject to conditions, or deny applications for site condominium plan approval in accordance with Article 37 (Condominium Regulations).

E. Planned Unit Development Review

The Planning Commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with Article 38 (Planned Unit Development). The Planning Commission shall be responsible for making a recommendation to the Township Board to grant approval, approval with conditions, or denial of a proposed planned unit development and any amendments to a planned unit development.

F. Other Duties and Responsibilities

1. The Planning Commission shall submit a report at least once a year to the Township Board on the administration and enforcement of this Ordinance and on recommendations for amendments or supplements.

2. The Planning Commission shall be responsible for review of any other matters relating to land development referred to the Commission by the Township Board. The Planning Commission shall recommend appropriate regulations and action on such matters.

3. The Planning Commission shall prepare a Capital Improvement Plan.

4. The Planning Commission shall take such action on petitions, staff proposals and Township Board requests for amendments to the Master Plan.

m:\ctc\zoning ordinance\current ordinance\article 40 planning commission.doc

ARTICLE 41

ZONING BOARD OF APPEALS

SECTION 41.01. Authority

There is hereby established a Zoning Board of Appeals, hereinafter called the "ZBA," which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, the public safety and welfare secured, and substantial justice done.

SECTION 41.02. Membership

A. Members and Terms

The ZBA shall be appointed by the Township Board and shall be composed of the following five (5) members whose terms shall be as stated:

1. One (1) member shall be a member of the Planning Commission and one (1) member shall be a member of the Township Board whose terms shall be limited to the time they are members of the Planning Commission or Township Board, respectively, or the period stated in the resolution appointing them, whichever is shorter. The member of the Township Board shall not serve as the ZBA Chairperson.

2. The remaining members selected shall be representative of the population distribution and of the various interests present in the Township. The term of each member shall be for three (3) years.

3. Successors in office shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

4. An employee or contractor of the Township Board may not serve as a member of the ZBA.

B. Expenses

The total amount allowed the ZBA in anyone year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum shall be appropriated annually in advance by the Township Board.

C. Cause for Removal

Members of the ZBA shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing.

D. Conflict of Interest

A member shall disqualify himself or herself from a vote in which he or she has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which he or she has a conflict of interest shall constitute misconduct in office, but shall not affect the validity of the decision made unless the vote improperly cast constitutes a deciding vote.

A ZBA member who is a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter the member voted on as a member of the Planning Commission or the Township Board. The member may consider and vote on other unrelated matters involving the same property.

E. Majority of the ZBA

The ZBA shall not conduct business unless a majority of the regular members of the ZBA are present.

SECTION 41.03. Alternates

The Township Board may additionally appoint not more than two (2) alternate members for the same term as regular members of the ZBA. The alternate members may be called on a rotating basis to serve on the ZBA in the absence of a regular member, if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member called shall serve in a case until a final decision has been made. The alternate member called shall have the same voting rights as a regular member of the ZBA.

SECTION 41.04. Rules of Procedure

The ZBA shall conduct business, organize meetings, and perform its duties as provided for in this Ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

A. Meetings

1. All meetings of the ZBA shall be held at the call of the Chairperson and at such times as such ZBA may determine. All hearings conducted by said ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact; and shall also keep records of its hearings and other official action. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

2. The ZBA shall make no recommendation except in a specific case and after a hearing conducted by said ZBA. Following the receipt of a written request for a

variance the ZBA shall fix a reasonable time for the hearing of the request and give written notice of the hearing as described in Article 34 of this Ordinance.

3. Upon receipt of a written request seeking an interpretation of the Zoning Ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

B. Election of Officers

The ZBA shall elect a Chairperson, Vice-Chairperson, and Secretary on an annual basis.

C. Bylaws

The ZBA shall adopt the Charter Township of Commerce Zoning Board of Appeals Bylaws, which shall govern its procedures as a zoning board of appeals, and shall review those Bylaws on an annual basis.

SECTION 41.05. Applications

Applications to the ZBA shall be filed with the Township Planning Department, with payment of the appropriate review fee established by the Township Board. At a minimum, applications shall include the following:

1. The applicant's name, address, and contact information; and the address and location of the property involved in the request.

2. Zoning classification of the subject parcel(s) and all abutting parcels.

3. A certified survey of the site, drawn to scale with a north-arrow, showing all lot lines, road rights-of-way, easements, structures (existing and proposed), setback dimensions (existing and proposed), parking areas, driveways, shared driveways, sidewalks and other site improvements (existing and proposed).

4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this Article for the type of request.

5. Any additional information deemed necessary by the ZBA to make a determination on the issue in question.

6. The property owner or applicant shall stake the corners of the subject parcel so that parcel corners and property lines are readily apparent.

SECTION 41.06. Administrative Appeals

The ZBA shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the Zoning Ordinance. Consideration of administrative appeals shall be subject to the following:

A. Standing to Appeal

Such appeals may be taken to the ZBA by the person, firm or corporation aggrieved, or by an official, department, board or commission of the Township affected by the order, requirement, decision or determination. Applications for administrative appeals shall be filed with the Township within thirty (30) calendar days of the order, requirement, decision or determination.

B. Stay of Proceedings

An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the Building Director certifies to the ZBA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. Under such circumstances, the proceedings shall not be stayed, other than by a restraining order, which may be granted by the ZBA or by a court of record on application.

C. Review Criteria for Administrative Appeals

The ZBA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:

1. Constituted an abuse of discretion;

2. Was arbitrary or capricious;

3. Was based upon an erroneous finding of a material fact; or

4. Was based upon an erroneous interpretation of the Zoning Ordinance.

After making such a determination, the ZBA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this Ordinance. In doing so, the ZBA shall exercise all authority granted by this Ordinance to the person or body from whom the appeal is taken.

SECTION 41.07. Interpretation of Zoning District Boundaries

Where an ambiguity exists as to zoning district boundaries, the ZBA shall have the power to interpret the Zoning Map in such a way as to carry out the intent and purposes of the Zoning Ordinance and Master Plan. The following rules shall apply to such interpretations:

1. Boundaries indicated as approximately following the centerlines of roads, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.

2. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.

3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.

4. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the Map.

5. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, the ZBA shall interpret the district boundaries.

SECTION 41.08. Interpretation of Zoning Ordinance Provisions

The ZBA shall have the power to hear and decide requests for interpretations of Zoning Ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this Ordinance and Master Plan.

SECTION 41.09. Variances

The ZBA shall have the authority to grant variances from specific requirements of this Ordinance in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended and the provisions of this Article.

The ZBA shall state the grounds upon which it justifies the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the ZBA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this Ordinance.

A. Dimensional Variances

The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this Ordinance shall require a finding of practical difficulties, based upon the following criteria:

1. Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.

2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.

3. The need for the variance is due to unique circumstances peculiar to the land or structures involved that are not applicable to other land or structures in the same district.

4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.

5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the Township, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.

6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.

B. Use Variances

The ZBA does not have the authority to consider or grant a use variance.

SECTION 41.10. Exceptions

To hear and decide requests for exceptions and other matters upon which this Ordinance specifically authorizes the ZBA to act (for example, in Article 30, the ZBA is given the authority to grant an exception from the strict application of the sign regulations). Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the purpose of this Ordinance, and the character of the zoning district in question.

SECTION 41.11. Hearings and Decisions

The ZBA shall make no determination on a specific case until after a public hearing has been conducted. Each decision shall include a written record of the specific findings and determinations made by the ZBA in the case.

SECTION 41.12. Fees

A fee shall be paid, as established by the Township Board through its Fee Ordinance at the time the notice of appeal is filed with the Township.

SECTION 41.13. Limitations of Authority

The following specific limitations shall apply to the authority of the ZBA:

A. Expiration of Approval

No order of the ZBA permitting the erection or alteration of a structure, or use of a structure or land, shall be valid for a period longer than 365 days, unless a building permit for such erection or alteration is obtained within such period, or the use is lawfully established within such period.

B. Limitations on Review

The ZBA shall not have the authority to consider appeals of any decisions by the Planning Commission or Township Board regarding amendments to this Ordinance, special land uses, or planned unit developments. The ZBA's jurisdiction to consider appeals of site plan determinations shall be limited to the following:

1. Appeals of administrative decisions of the Planning Commission or Building Director regarding approval or denial of site plans.

2. Cases referred by the Planning Commission, where the Planning Commission has approved a site plan contingent upon approval of one or more variances by the ZBA. In such cases, the Planning Commission Secretary shall provide copies of the site plan, application materials and Planning Commission meeting minutes to the ZBA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the Planning Commission.

C. Ordinance Changes Prohibited

Nothing herein contained shall be construed to give or grant the ZBA the power or authority to alter or change the Zoning Ordinance or Zoning Map, since such power and authority has been reserved to the Township Board of the Charter Township of Commerce in the manner herein provided by law.

SECTION 41.14. Appeal of Zoning Board of Appeals Decisions

Any party aggrieved by any decision of the ZBA may appeal the decision to the Oakland County Circuit Court in the manner provided by the laws of the State of Michigan, provided such appeal is filed with the court within thirty (30) days of the date the ZBA certifies its decision in writing or approves the minutes for the meeting at which the decision was made.

ARTICLE 42

SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION

SECTION 42.01. SEVERABILITY

Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this ordinance, which shall remain in full force and effect.

SECTION 42.02. REPEAL OF PREVIOUS ORDINANCES

All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 42.03. SAVINGS CLAUSE

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 42.02 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 42.04. ADOPTION

This Ordinance was adopted as Ordinance No. 3.000 by the Board of Trustees of the Charter Township of Commerce at its regular meeting duly held on May 11, 2010 following compliance with all procedures required by the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and ordered to be given publication in the manner prescribed by law. At its regular meeting duly held on June 8, 2010; the Township Board ratified its previous adoption and correcting certain typographical errors re-adopted this Ordinance as Ordinance 3.000 and ordered that notice of its adoption be republished in the manner required by law.

SECTION 42.05. EFFECTIVE DATE

This Ordinance is hereby declared to be effective upon the expiration of seven days following publication as required by law.

_____
Sandra Abrams, Clerk

_____
Thomas K. Zoner, Supervisor

Introduction:	April 13, 2010
Introduction Publication:	April 21, 2010
Initial Adoption:	May 11, 2010
Initial Publication:	May 19, 2010
Ratification and Re-adoption:	June 8, 2010
Adoption Publication:	June 16, 2010
Effective:	June 23, 2010

m:\ctc\zoning ordinance\current ordinance\article 42 severablity repeal.doc