

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 devices are removed immediately when they become unsightly or no longer necessary.

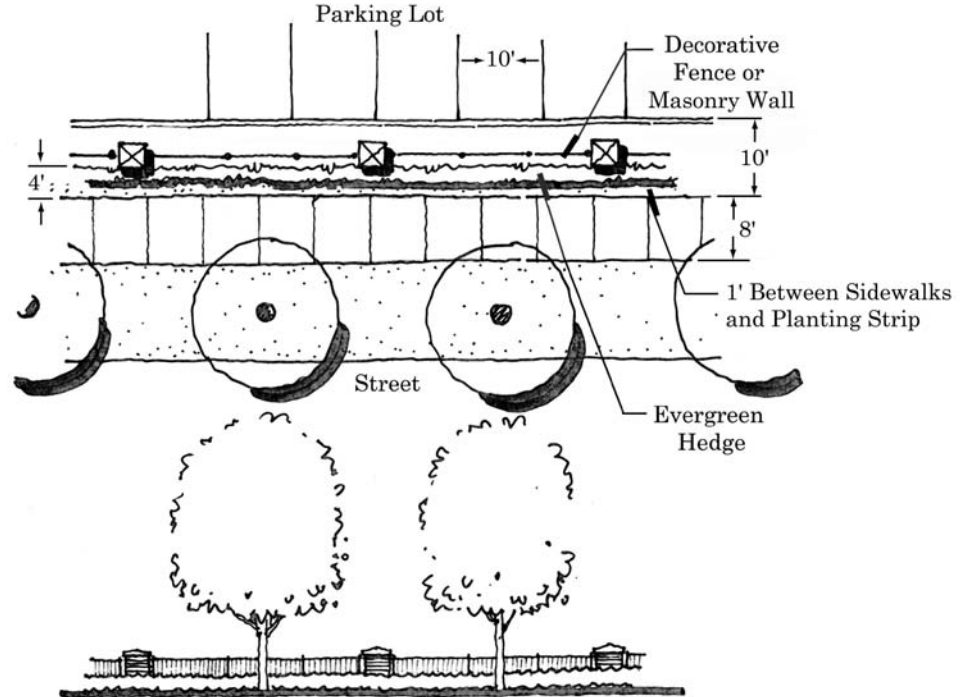


Figure 16.1 – Interior Parking Lot Buffer

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.