

## **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.

<b>Minimum Lot Area</b>	Based on the underlying zoning district
<b>Minimum Lot Width</b>	Based on the underlying zoning district
<b>Maximum Height</b>	Residential: 35 feet, 2 ½ stories Commercial: 35 feet, 2 stories
<b>Setbacks – Commercial Uses</b>	
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
<b>Setbacks – Residential Uses</b>	
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.