

## 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 one hundred (100) 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:

| <b>Building Relationship</b> | <b>Minimum Building Separation</b> |
|------------------------------|------------------------------------|
| 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<br>(including senior<br>apartments and<br>congregate housing) | Dependent Living<br>(including assisted living)                   |
|-----------------------------|--|---|
| <b>Studio or Efficiency</b> | 450 sq. ft.  | 325 sq. ft.   |
| <b>1 bedroom</b>            | 600 sq. ft.  | 425 sq. ft.   |
| <b>2 bedroom</b>            | 800 sq. ft.  | 600 sq. ft.   |
| <b>3 or more bedrooms</b>   | 800 sq. ft. + 150 sq. ft<br>for each additional<br>room over four                | 600 sq. ft. + 150 sq. ft<br>for each additional room over<br>four |

7. **Building and Site Design.**

a. **Building Length.** The maximum permitted building length along any one continuous plane is 180 feet. A continuous plane is defined as an uninterrupted wall, without breaks or corners, other than architectural features customarily found, such as porches, bay windows, projections and/or recesses. A building that turns a corner of at least a 90 degree angle shall be considered to “end” at that corner. The length may be increased to a maximum of 225 feet if the following conditions are met:

- i. Building height cannot exceed one story or 20 feet as defined in the Zoning Ordinance; and
- ii. At least three different, high quality materials shall be used on such elevation. High quality materials are defined as brick, stone, fieldstone, marble, granite, cedar shake, hardi plank or other cementitious based siding; and
- iii. All such elevations shall have at least five different design features to break up the wall plane; buildings over 50,000 square feet shall have at least seven different design features and buildings over 100,000 square feet shall have at least nine different design features. The following are examples of the types of design features that shall be utilized:
  - 1. Horizontal offsets,
  - 2. Recesses or projects of at least 2’,
  - 3. Porches,
  - 4. Awnings,
  - 5. Vertical “elevation” offsets, such as columns,
  - 6. Decorative cornices,
  - 7. Cupolas,
  - 8. Window shutters,

9. Decorative brick work such as soldier courses, quoined corners, etc...
10. Arches,
11. Outdoor patios,
12. Architectural details such as tile work or moldings incorporated into the façade,
13. Bay/garden windows,
14. Integrated planters,
15. Dormers,
16. Canopies,
17. Similar design features approved by the Township Planner.

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

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

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

| Use                | Required Number of Parking Spaces per Unit of Measure*   |
|--------------------|--|
|                    | 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 26.200 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 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. 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 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 24 hours. 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 more than five (5) vehicles shall be stored at one time and 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 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 26.400 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 26.500 OTHER USES**

**Section 26.501 Reserved**

**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 Umbrascop reading of smoke densities may be used when correlated with Ringlemann Chart.

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

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

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

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

wood fence of at least six (6') feet in height. The open storage shall not exceed the height of the screening wall or fence. A masonry wall or wood fence shall be repaired, maintained and kept in good condition.

**D. Glare and Radioactive Materials:**

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

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

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

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

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

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

**H. Waste Rubbish Dumping:** No garbage, sewage, refuse, waste, trash, debris or rubbish, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter shall be kept in open containers, or piled, placed, stored or dumped on

any land within the Township except in conformance with the Commerce Charter Township Code.`

**Section 26.506          Reserved**

**Section 26.507          Reserved**

**Section 26.508          Outdoor Display and Sales of Christmas Trees**

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

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

- I. Any exterior lighting for the Christmas tree sales use shall be directed or shielded as necessary so as not to create a nuisance for occupants of adjoining property and shall be so arranged as not to adversely affect driving visibility on adjacent thoroughfares.
- J. Upon discontinuance of the temporary use any temporary structure and signs shall be removed from the site and the property shall be returned to the condition it was in prior to the temporary use.

**Section 26.509 Outdoor Theatres**

Outdoor theatres shall be permitted subject to the following conditions:

- A. The proposed internal design shall receive approval as to adequacy of drainage, lighting, and other technical aspects.
- B. Points of ingress and egress shall be available to the outdoor theater from abutting major thoroughfares of at least one hundred and twenty (120') foot of right-of-way or greater, and shall not be available from any internal residential street.
- C. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space in the ratio of one (1) space for every ten (10) viewing spaces within the drive-in. No vehicle shall be permitted to wait or stand within a dedicated public right-of-way.

**Section 26.510 Overnight Camping Facilities**

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

throughout the development at a ratio of not less than one (1) such station per each twenty (20) sites.

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

1. The number of campsites shall not exceed one (1) site for each one (1) acre of contiguous gun club property except for organized youth camping which may exceed one (1) site for each acre with the permission of the Planning Commission.
2. There shall be no permanent storage of campers or travel trailers on the property and no mobile home units will be allowed as part of the camping facility.
3. Adequate sanitary facilities acceptable to the Oakland County Health Division shall be provided.
4. The minimum required yards for such a use shall be one hundred (100') feet for front, side and rear yards. Sanitary waste disposal facilities or shower facilities shall be located no closer than two hundred (200') feet to any property line.
5. The maximum length for any one camping event shall not exceed four (4) consecutive nights.
6. Gun Clubs which are planning camping events shall provide the Planning Commission with a list of proposed events annually. This list is intended only for informational and public safety purposes. Amendment of the list may be accomplished by providing written notice of the change to the Planning Commission no less than sixty (60) days prior to the event.

**Section 26.511      Roadside Produce Stands**

**A.** Roadside produce stands that are seasonal in character and utilized on a temporary basis such stands may be permitted in R-1 zone districts upon obtaining a permit from the Building Department subject to the following:

1. Roadside stands shall be portable and temporary in nature.
2. Such uses shall be located on major thoroughfares having an existing or proposed right-of-way of one hundred twenty (120') feet as designated in the Master Right-of-Way Plan of the Road Commission for Oakland County.
3. Such uses shall be permitted anywhere on the subject property except within the right-of-way of any public or private street or road or within a required side or rear yard.

4. Adequate ingress and egress and adequate off-street parking shall be provided. Parking shall not be located within the right-of-way of any public or private street or road.
5. Permits for such uses shall be for a period not to exceed six (6) months and shall be restricted to residents of Commerce Township and to the property of residents of Commerce Township. A new permit shall be necessary for each season of operation.
6. Items for sale shall be limited to produce grown on the immediate property or on property within Commerce Township which is owned or leased by the operator of the roadside stand except that two (2) items not grown on owned or leased property within the Township may be sold for each one (1) item grown on such land to a maximum of ten (10) such items. Processed goods and non-farm items may not be sold from roadside stands.
7. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. or daylight hours, whichever is less. No lighting shall be permitted.
8. Such uses may display one freestanding sign, located on the premises upon which the use is located, and one wall type sign located on the roadside stand. Freestanding signs shall not exceed sixteen (16) square feet in area and shall not exceed thirty (30”) inches in height and shall not be located within the right-of-way of any public or private street or road nor within any clear site triangle as defined in this Ordinance. Wall signs shall not exceed twenty (20) square feet in area and shall be mounted flush on the face of the roadside stand.
9. Upon discontinuance of the seasonal use any structures signs and other materials associated with the use shall be removed from the roadside.

**Section 26.512      Similar Principal Permitted and Special Land Uses**

- A.** The Building Director shall consider the following factors in determining whether a use shall be permitted as a principal permitted use or a special land use based upon a similarity to specifically listed principal permitted uses or permitted special land uses within a particular zoning district:
1. Similarity of the proposed use to existing and permitted uses in terms of:
    - a. Purpose.
    - b. Intensity.
    - c. Generation of:
      - i. Noise.
      - ii. Odor.

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

**Section 26.513 Storm Water Basins and Sewage Treatment Facilities**

**A. General Requirements**

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

1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression.
2. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
3. Plantings shall replicate a natural environment. Deciduous shade and ornamental trees, shrubs, perennials, grasses and other groundcover shall be clustered around the basin to achieve a variety of plant materials.
4. Clusters of shrubs spaced not more than six (6) feet on center shall be provided above the high water or freeboard elevation of the pond. A minimum of one shrub shall be planted for every twenty (20) linear feet measured along the freeboard elevation of the pond.
5. Trees shall be planted above the freeboard line of the basin. One (1) ornamental deciduous tree (e.g., crabapple, pear, etc.) shall be planted for every forty (40) linear feet measured along the freeboard elevation of the pond. One canopy deciduous tree (e.g., oak, maple, etc.) shall be planted for every fifty (50) linear feet along the freeboard elevation of the pond.
6. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.
7. Basins shall be planted with native grasses having a minimum height of 24 inches or detention pond seed mix to discourage use by waterfall and to promote bioremediation (decontamination of the stormwater by filtering through the plants). Grass species that go dormant in winter such as fescue are suggested.
8. Basins shall be designed to avoid the need for perimeter fencing; however, if in the determination of the Planning Commission such fencing is required it shall be decorative.
9. Anti-waterfowl devices such as string matrix or string edge are recommended while establishing plantings, provided that such devices are removed immediately when they become unsightly or no longer necessary.

**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 Waste Receptacles**

The regulations in this Section are intended to require sufficient screening of outdoor waste receptacles, minimize adverse effects of trash disposal on adjacent properties and public rights-of-way and encourage the development and use of appropriate screening structures and measures that complement and enhance the environment and character of the area and the Township as a whole.

**A. Requirements**

The owner, lessee, or their agent, and occupants of every building where waste, garbage or recyclable materials accumulate shall be jointly and severally responsible for providing clean, and proper locations and receptacles for storage, disposal and recycling of such wastes, subject to the following:

1. No occupant, owner, lessee, or their agent, shall permit the storage or accumulation of waste, garbage or recyclable materials in open yards or lots.
2. All waste, garbage or recyclable materials shall be contained within properly designed receptacles located in designated storage areas, and regularly removed from the site.
3. Outdoor storage areas for such materials shall be kept free of loose litter and debris, and maintained in a neat, orderly and sanitary condition.
4. Waste receptacle enclosure gates shall be closed and secured when not in use.
5. 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**

Where required by this Ordinance or otherwise deemed necessary by the Planning Commission, waste receptacle enclosures shall conform to the following:

1. Waste receptacles shall be completely enclosed and secured by a decorative masonry 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 waste receptacles and materials, up to a maximum of eight (8) feet.
4. The surface within waste receptacle enclosures shall be constructed of concrete, and shall extend a minimum of (10) feet in front of the enclosure.
5. Waste receptacle enclosures shall be screened to the satisfaction of the Planning Commission.
6. Waste 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 waste receptacle enclosure may be placed against the building subject to the approval of the Township Fire Department. Such enclosures shall be located in a side or rear yard to minimize visibility from adjacent properties and road rights-of-way.

7. 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.

**C. Trash Compactor Screening**

Outdoor trash compactors and dumpsters for storage of compacted wastes 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.