

ARTICLE 28

PARKING, LOADING, AND ACCESS MANAGEMENT

SECTION 28.01. Purpose

It is the purpose and intent of this Article that off-street parking and loading areas be provided and adequately maintained by each property owner in every zoning district for the purpose of promoting safe and efficient short term off-street storage of motor vehicles, providing for sound and stable environmental conditions, and preventing future blighted areas. The number of off-street parking spaces in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy as hereinafter prescribed.

The purpose of this Article is also to protect water quality and the capacity of drainage and stormwater management systems; to limit the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building; to establish flexible minimum and maximum standards for off-street parking and loading; to promote the use and development of shared parking facilities and cross-access between sites; and to establish access management standards.

SECTION 28.02. Scope

The regulations of this Article shall be met in all districts whenever any uses are established; any structure is erected, enlarged, or increased in capacity; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Spaces for parking, loading, and access management shall be provided in accordance with the provisions of this Article, subject to approval per Article 35 (Site Plan Review).

SECTION 28.03. General Standards

The following general standards shall apply to all off-street parking and loading facilities:

A. Location of Spaces

1. Off-street parking shall be on the same lot of the building it is intended to serve, except as otherwise provided for by this Article. Off-street parking spaces shall be located within 500 feet of a primary building entrance for the use to which such spaces are accessory.
2. Parking and loading areas and interior circulation and access drives shall conform to the front and road side yard setback requirements of the zoning district in which the property is located unless otherwise provided herein. Accordingly, adjoining parking lots in a B-1, B-2, or B-3 district shall be set back a minimum distance of twenty (20) feet from each other.
3. Parking, loading areas, and circulation or access drives shall be no closer to any building or structure than five (5') feet. Bumper guards or curbs shall be installed to prevent encroachment.

4. Parking areas, and circulation or access drives shall be setback from adjoining or abutting residentially zoned property as follows:
 - a. Where the parking lot or drive abuts a residential zone district at the side or rear lot line said parking lot or drive shall be setback a minimum of ten (10') feet from said lot line.
 - b. Where the parking lot or drive shares common, contiguous road frontage with an abutting residentially zoned parcel, said parking lot or drive shall maintain the same minimum front or road side setback required for the residential parcel dependent upon orientation to the common road of said parcel and other residential parcels in the same block.

B. Alteration of Existing Off-Street Parking Facilities

Existing off-street parking facilities accessory to an existing building or use shall not be reduced to an amount less than the minimum required by this Article for a similar new building or new use. The minimum required off-street parking spaces shall not be replaced by any other use unless adequate parking facilities meeting the standards of this Article have first been provided at another location acceptable to the Planning Commission.

C. Increase in Floor Area, Building Use Capacity, or Intensity of Use

Additional parking shall be provided and maintained in proper ratio to any increase in floor area building use capacity or intensity of use.

D. Use

Use of off-street parking, stacking, and loading facilities shall be further subject to the following:

1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
2. The storage of merchandise, motor vehicles for sale, semi-trucks or trailers, or the repair of vehicles shall be prohibited in off-street parking areas.
3. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown of all lots intended for use as parking by the applicant.

E. Shared Facilities

The development and use of a parking or loading facility shared between two (2) or more contiguous uses shall be permitted where peak activity for each use will occur at different periods of the day or week and, in the case of two or more adjacent parcels, access to the properties is provided by one (1) joint entrance drive. Shared facilities shall be subject to acceptance by the Planning Commission of a signed shared maintenance agreement between the property owners and easements. Easements and a maintenance agreement meeting the

requirements of this Ordinance and the Commerce Charter Township Code shall be prepared by the Township Attorney, executed by the parties, and recorded at the Office of the Oakland County Register of Deeds. Shared parking and shared access facilities are encouraged.

Where shared parking facilities are provided, the number of parking spaces shall not be less than eighty percent (80%) nor more than one hundred twenty percent (120%) of the sum of the minimum requirements for the various individual uses specified in Article 28 (Schedule of Required Parking by Use), as follows:

Minimum Shared Parking Requirement = (minimum for use A + minimum for use B) x 80%

Maximum Shared Parking Requirement = (minimum for use A + minimum for use B) x 120%

SECTION 28.04. Residential Parking Standards

Required off-street parking for single-and two-family (duplex) dwellings shall consist of a parking strip, parking bay, driveways, shared driveway, garage or combination thereof located on the premises they are intended to serve, subject to the following:

- A. No motor vehicle shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition and properly licensed or is kept inside a building.
 - 1. This Section shall not apply to any motor vehicle ordinarily used but temporarily out of running condition for a period of up to seven (7) days.
 - 2. If a motor vehicle is being kept for actual use, but is temporarily unlicensed, the Building Director may grant the owner a period of up to seven (7) calendar days to procure a license.

- B. The open parking or storage of recreation vehicles, boats or similar vehicles or equipment not owned by a resident of the Township on lands not specifically designated for such parking and storage shall be limited to the following circumstances:
 - 1. Parking of such vehicles or equipment not owned by a resident of the Township shall be allowed for a period of up to 24 hours without a zoning permit.
 - 2. Parking of such vehicles or equipment not owned by a resident of the Township shall be permitted only in the rear yard for a period of up to seven (7) calendar days, subject to zoning permit approval per Article 1 (Zoning Permits).
 - 3. Residents of the Township may park or store their own recreation vehicles, boats or similar vehicles or equipment on their own lot for an indefinite period of time, subject to the following:
 - a. The vehicles or equipment shall be in operable condition and shall be stored in the rear yard.
 - b. Such vehicles shall be subject to the standards of Article 33 (Accessory Structures).

4. Such vehicles or equipment shall not be connected to sanitary facilities and shall not be occupied.

SECTION 28.05. Schedule of Required Parking by Use

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

- A. Where a use is not specifically mentioned in this Article, the Planning Director, Building Director, or their designee, shall apply the standards for a similar listed use. Where calculations determining the number of required parking spaces results in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded, and any fraction over one-half (1/2) shall be rounded-up to the next highest whole number.
- B. **Minimum and Maximum Parking Requirements.**
 1. Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of Article 28 (Schedule of Required Parking by Use). The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Section.
 2. The maximum amount of off-street parking permitted for any use shall not exceed one hundred twenty percent (120%) of the minimum parking requirements of this Section. This requirement shall not apply to single-family or two-family dwellings, or to spaces reserved for off-site uses per Article 29 (Off-Site Parking Facilities).
- C. For the purpose of this Section the following shall apply:
 1. Floor Area: Unless otherwise specified, where floor area is the unit for determining the required number of parking spaces, said unit shall mean gross floor area.
 2. Usable Floor area shall be concisely calculated and clearly delineated on a floor plan provided by the petitioner at the time of site plan review. It is the responsibility of the petitioner or property owner to provide the Township with documentation if the amount of usable floor area changes. Changes in usable floor area that increase the amount of required parking are prohibited until Township approval is obtained. Approval may be granted by the Building Official subject to demonstration that adequate additional on-site parking is provided to account for the change in usable floor area.
 3. Beds: For hospitals, bassinets shall not be counted as beds.
 4. Places of Assembly: For churches, sports arenas or similar places of assembly in which those in attendance occupy benches, pews or similar seating, each twenty (20") inches of such seating shall be counted as one (1) seat.
 5. Employees: For requirements stated in terms of employees, the calculation shall be based on the maximum number of employees on the premises during the largest shift.

D. Schedule of Required Parking by Use

| Use | Minimum Required Parking |
|---|---|
| RESIDENTIAL USES | |
| Accessory Dwelling | One (1) per dwelling unit, plus any required spaces for the dwelling. |
| Bed and Breakfast Inn | One (1) per guest sleeping room, plus any required spaces for the dwelling. |
| Elderly Housing, Dependent | One (1) per two (2) dwelling units or per four (4) beds, plus one (1) per on-duty employee based upon maximum employment shift. In addition, sufficient space shall be provided for drop-off/pick-up. |
| Elderly Housing, Independent and Senior Housing | One (1) per dwelling unit, plus one (1) per on-duty employee based upon maximum employment shift. |
| Foster Care Small or Large Group Home or Congregate Care Facility | One (1) per resident sleeping room, plus one (1) per on-duty employee based upon maximum employment shift. In addition, sufficient space shall be provided for drop-off/pickup. |
| State Licensed Residential Facility or Other Managed Residential Facility | One (1) per 4 beds plus one (1) per on-duty employee based upon maximum employment shift. In addition, sufficient space shall be provided for drop-off/pickup. |
| Group Child Day Care Home | One (1) per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling. In addition, sufficient space shall be provided for drop-off/pick-up. |
| Manufactured Housing Park | Two (2) per dwelling. |
| Multiple-Family Housing | Two (2) per dwelling unit with up to two bedrooms, and two (2) per three-bedroom or larger dwelling unit. |
| Two-Family or Duplex Dwelling | |
| Single Family Dwellings, Detached | Two (2) per dwelling. |
| OFFICE, SERVICE, AND COMMUNITY USES | |
| Banks and Financial Institutions | Four (4) per 1000 square feet of usable floor area. |

D. Schedule of Required Parking by Use

| Use | Minimum Required Parking |
|---|--|
| Barber Shop, Beauty Salon, and Nail Care | One and one-half (1.5) per work station. |
| Child and Adult Day Care Center or Child Caring Institution | One and one-half (1.5) per six (6) children/adults of state licensed or authorized capacity, plus one (1) per on-duty employee based upon maximum employment shift. |
| Elementary and Junior High School | One (1) for each school teacher and administrator in addition to the requirements of the auditorium. |
| Funeral Parlor or Mortuary | One (1) per 50 square feet of gross floor area. |
| Golf Course, Public or Private | Six (6) per golf hole plus one (1) per employee on the largest working shift. |
| Golf Course, Miniature or Par 3 | Two (2) per golf hole plus one (1) per employee on the largest working shift. |
| Government Administrative Offices | Four (4) per 1,000 sq. ft. of usable floor area or one (1) space per two (2) seats based on the maximum seating capacity in the main assembly room, whichever is larger |
| Government Services – Police and Fire | One (1) per employee on the largest working shift |
| Health Club or Fitness Center | Six (6) per 1,000 sq. ft. of gross floor area |
| Hospital or Urgent Care Center | One (1) per each patient bed plus one for each 150 square feet of outpatient service area. |
| Institutional Uses (e.g., churches, places of assembly) | One (1) per four (4) seats or eight (8) feet of benches, based upon the maximum seating capacity of the primary assembly space; or One (1) per on-duty employee based upon maximum employment shift, plus one (1) per four (4) persons allowed within the maximum building occupancy. |
| Medical Offices or Clinics; Laboratories, Massage Therapists, and Physical Therapy Facilities | One (1) per 200 square feet of usable floor area. |

D. Schedule of Required Parking by Use

| Use | Minimum Required Parking |
|---|---|
| Museums, Libraries | One for each 600 square feet of gross floor area plus one for each employee. |
| Offices for Professional, Service or Administrative Uses | One (1) per 300 square feet of usable floor area. |
| Recreation Facilities, Indoor | One (1) per 165 square feet of gross floor area. |
| Pre-school Child Care | One (1) for each nursery school and day employee; and an additional five (5) storing spaces, ten (10) feet by twenty (20) feet shall be provided. |
| Senior High School | One (1) for each school teacher and administrator and one (1) for each ten (10) students in addition to the requirements of the auditorium. |
| Stadiums, sports arenas or places of similar outdoor uses | One (1) for each (3) seats and one (1) for each employee. |
| Veterinary Clinic, Kennel or Animal Shelter | Four (4) spaces for each 1 Veterinarian and related professional. |
| Workshops and Studios | One (1) per 400 square feet of usable floor area. |
| COMMERCIAL USES | |
| Amusement Centers, Indoor or Outdoor. | One (1) per on-duty employee based upon maximum employment shift, plus one (1) per three (3) amusement stations, games, holes or lanes, or one (1) per four (4) persons allowed within the maximum building occupancy. |
| Retail Stores, Shopping Centers and Supermarkets except as otherwise specified. | Five (5) for each one thousand (1,000) square feet of usable floor area for the first 100,000 square feet. Four (4) for each one thousand (1,000) square feet of usable floor area in excess of 100,000 square feet. |
| Car Wash, Automatic or Self-Service | One (1) per employee, plus adequate waiting space for vehicles shall be provided to accommodate fifty percent (50%) of the hourly rate of capacity for each automatic wash line, and four (4) for each washing stall for a self service wash. |

D. Schedule of Required Parking by Use

| Use | Minimum Required Parking |
|---|---|
| Convenience grocery, self service food or beverage stop | Three (3) for each one thousand (1,000) square feet usable area. |
| Drive-in or Drive-through Facilities(except drive up/thru restaurants) | Pharmacies and dry cleaners: three (3) stacking spaces. Roadside stands: ten (10) spaces. Banks, and all other uses: five (5) stacking spaces |
| Farm Market | One (1) per 400 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift. |
| Furniture and Appliance Household Equipment Sale, Repair Shops, Showroom of a decorator, plumber, electrician or similar trade | One and one-half (1.5) for each one thousand (1,000) square feet of usable floor area. |
| Hotel, Motel or Inn | One (1) per occupancy unit, plus one (1) per on-duty employee based upon maximum employment shift, in addition to spaces for dining rooms, ball rooms or meeting rooms as otherwise provided in this section. |
| Laundromat and Dry Cleaning | One (1) per two (2) washing or drying machines. |
| Manufactured Housing Sales | One (1) per 4,000 square feet of outdoor sales or display area, plus one (1) per on-duty employee based upon maximum employment shift. |
| Dealership Showroom (indoor only) for Sales or Rentals of Motor Vehicles, Recreational Vehicles, Construction or Farming Equipment or Similar Durable Goods | Five (5) for each 1,000 square feet of gross floor area of sales area, plus one (1) for each vehicle service stall. |
| Automobile Vehicle Fueling Station (i.e., Gas Station) | One (1) per on-duty employee based upon maximum employment shift, plus one (1) per fueling location, plus one (1) stacking space per two (2) fueling locations. |
| Automobile Vehicle Service Center | One (1) per on-duty employee based upon maximum employment shift, plus one (1) per service bay, plus one (1) stacking space per service bay. |
| Automobile Vehicle Repair Station | |

D. Schedule of Required Parking by Use

| Use | Minimum Required Parking |
|--|--|
| Open Air Business | Two (2) per 1,000 square feet of outdoor sales or display area. |
| Restaurants, Carry-Out Only | One (1) per 200 square feet of usable floor area, plus one (1) per on-duty employee based upon maximum employment shift. |
| Restaurants, Drive Up or Drive Thru Required stacking spaces | Five (5) stacking spaces per drive thru window |
| Establishments for the sale and consumption on the premises of beverages, food, or refreshments, excluding those that serve alcohol. | Fifteen (15) for each one thousand (1,000) square feet of gross floor area. In addition, one (1) space for each three (3) seats in any outdoor seating area. |
| Outdoor Café or Outdoor Eating Area | |
| Retail Stores and Commercial Uses not otherwise specified in this table | One (1) per 200 square feet of usable floor area. |
| Tavern, Pub, Brewpub, Cocktail Lounge or Night Club | One (1) for each two (2) persons allowed, based upon the maximum seating capacity of the primary assembly space. |
| INDUSTRIAL, RESEARCH, AND LABORATORY USES | |
| Industrial, Research, and Laboratory | Three (3) per 1,000 square feet of usable floor area |
| Wholesale and Warehouse Establishments | Two (2) per 1,000 square feet of usable floor area |
| Self-Storage Warehouse | One (1) unobstructed space for each ten (10) storage units |
| OTHER USES | |
| Adult Entertainment Uses and Sexually Oriented Businesses | One (1) per 200 square feet of usable floor area, plus one (1) per employee on the largest working shift. |
| Greenhouses and Nurseries | One (1) per on-duty employee based upon maximum employment shift, plus one (1) per 300 square feet of usable floor area for any offices or other accessory uses. |

SECTION 28.06. Design Requirements

Off-street parking facilities, other than parking for single-and two-family (duplex) dwellings subject to Article 28 (Residential Parking Standards), shall be designed, constructed, and maintained in accordance with the following:

A. Barrier-Free Parking Requirements

Barrier-free parking spaces shall be provided per the State Construction Code and the following:

| Number of Parking Spaces Provided | Minimum Number of Barrier-Free Spaces Required | Van Accessible Parking Spaces Required | Accessible Parking Spaces Required |
|--|---|---|---|
| Up to 25 | 1 | 1 | 0 |
| 26 to 50 | 2 | 1 | 1 |
| 51 to 75 | 3 | 1 | 2 |
| 76 to 100 | 4 | 1 | 3 |
| 101 to 150 | 5 | 1 | 4 |
| 151 to 200 | 6 | 1 | 5 |
| 201 to 300 | 7 | 1 | 6 |
| 301 to 400 | 8 | 1 | 7 |
| 401 to 500 | 9 | 2 | 7 |
| 501 to 1,000 | 2% of total parking provided in each lot | 1 out of every 8 accessible spaces | 7 out of every 8 accessible spaces |
| 1,001 and over | 20 plus 1 per 100 spaces over 1,000 | 1 out of every 8 accessible spaces | 7 out of every 8 accessible spaces |

1. Such spaces shall be accessible from and conveniently located near each primary building entrance.
2. Such spaces shall be identified by above grade signs and pavement striping (see illustration).

B. Screening and Landscaping

Screening and landscaping shall be provided for all parking and loading facilities in accordance with the provisions of Article 29 (Parking Lot Landscaping and Perimeter Screening).

C. Exterior Lighting

Parking lot lighting shall comply with the standards of Article 31 (Exterior Lighting).

D. Ingress/Egress

Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a road or using a road for maneuvering between parking rows shall be prohibited. Driveways and aisles for off-street parking facilities shall comply with the following:

1. Drive aisles in off-street parking lots shall be at least 22 feet wide, and shall not exceed 300 feet in length without a break in circulation. Drive aisles providing access to two (2) rows of parking shall be a minimum of twenty-five (25') feet in width.
2. Each driveway or shared driveway shall be a minimum of 11 feet and a maximum of 15 feet in width per direction, measured at the property line. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include an on-site stacking area. The driveway or shared driveway shall intersect the abutting road at a 90-degree angle. Where constrained by environmental features, a reduced angle of intersection may be allowed, but in no case shall the angle be less than seventy (70) degrees.
3. When necessary for safe ingress and egress of vehicles the Planning Commission may require acceleration, deceleration, turn or passing lanes and any other similar improvement to be installed at the expense of the developer or property owner.
4. Ingress and egress to an off-street parking serving a multiple-family or non-residential use shall not cross land in any R (Single Family Residential) District.
5. Ingress and egress to any off-street parking lot serving a multiple-family or non-residential use shall be set back a minimum of 25 feet from abutting land in any R (Single Family Residential) District or occupied by an existing dwelling.

E. Striping

All parking spaces shall be striped with paint. Such striping shall be at least four (4") inches in width and shall be maintained at all times.

F. Stacking Spaces

Where required by this Article, stacking spaces for drive-through facilities shall be ten (10) feet wide by 20 feet long. Stacking spaces shall not intrude into any road right-of-way or maneuvering lane for an off-street parking lot.

G. Grading and Drainage

Driveways and parking areas shall be graded and provided with adequate drainage to dispose of surface waters in accordance with applicable construction and design standards established by the Township. Surface water shall not drain onto adjoining lots, towards buildings or across a public road, except in accordance with an approved drainage plan.

H. Parking Layout

The layout of off-street parking facilities shall be in accordance with the following minimum requirements (see illustration):

| Parking Pattern (degrees) | Maneuvering Lane Width | Space Width | Space Length | Width of Maneuvering Lane Plus Two Rows |
|--------------------------------------|-----------------------------------|------------------------|-------------------------|--|
| 0° (parallel) | 24 feet (two-way) | 8 feet | 22 feet | 40 feet |
| 45° | 12 feet (one-way) | 10 feet | 20 feet | 49 feet |
| 60° | 16 feet (one-way) | 10 feet | 20 feet | 56 feet |
| 90° | 25 feet (two-way) | 10 feet | 20 feet | 65 feet |

1. Parking aisles shall not exceed 300 feet without a break in circulation.
2. All parking lots shall be provided with wheel stops or bumper guards so located that no part of parked vehicles will extend beyond the lot boundaries, into required screening or landscaping, or across sidewalks or pedestrian pathways.
3. No parking lot shall have more than one (1) attendant shelter building. All shelter buildings shall conform to the setback requirements for structures in the district where the parking lot is located.
4. Parking structures may be built to satisfy off street parking regulations when located in other than residential districts subject to the area, height, bulk and placement regulations of such district in which located and shall be located behind the principal building.
5. Parking lots shall be maintained in a clean and debris free manner.

SECTION 28.07. Construction

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan and the following:

- A. Proof of any necessary permits or approvals from the Road Commission for Oakland County, Oakland County Water Resources Commissioner's Office or other agency with jurisdiction shall be provided to the Township.
- B. Plans for parking lots shall indicate existing and proposed grades, drainage, surfacing and base materials, and the proposed parking layout.
- C. Off street parking and loading areas for all uses, except one (1) and two (2) family residential uses, and all ingress, egress, access and circulation drives shall be paved with concrete, plant mixed bituminous or similar material; and shall be graded and provided with adequate drainage to dispose of all collected surface water within a reasonable period of time. Parking and loading area surfacing shall conform to the Township's Engineering standards.
- D. The perimeter edges of all parking and loading areas and ingress, egress, circulation and access drives shall be developed with concrete curb or curb and gutter at a minimum of six inches (6") in height from the grade of the parking area or drive. The perimeter of landscaped islands within parking areas shall also be developed with concrete curb designed to protect landscaping from damage by vehicles. Islands are to have adequate drainage. The Planning Commission or the Planning Director may allow a concrete gutter to be used to allow for creative stormwater management.
- E. In the event that required paving cannot be completed because of cold or inclement weather, the Township may require submittal of a performance guarantee to ensure completion per Article 1 (Certificates).

SECTION 28.08. Off-Street Loading

On the same premises with every structure, use or part thereof involving the receipt or distribution of vehicles, equipment, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

A. General Standards

The following shall apply to loading and unloading areas in all zoning districts:

- 1. **Setbacks.** Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the Planning Commission, per Article 29 Screening and Landscaping Requirements.
- 2. **Hard surface required.** The loading spaces shall be paved with concrete, plant mixed bituminous, or similar material, subject to Township Engineering standards.
- 3. **Dimensions of loading spaces.** Each loading space shall be at least ten (10) feet wide and forty (40) feet long. If roofed, a loading space must have at least 14 feet of vertical clearance. Where a use involves semi-trucks making deliveries on a daily basis, or requires that semi-trailers will be parked in the space for more than one (1) hour at any time, the loading space shall be at least 60 feet long.

4. **Location of loading spaces.** The location and arrangement of loading spaces shall be subject to the following:
 - a. Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building. Where any portion of a loading space is open to public view, screening shall be provided in accordance with Article 29 Screening and Landscaping Requirements.
 - b. All loading and unloading spaces in an industrial district shall be provided off-street in the rear yard. Loading and unloading spaces may be permitted in an interior side yard provided a setback of fifty feet (50') is maintained. Loading and unloading facilities shall be prohibited in the front yard of any district.
 - c. Off-street loading facilities that make it necessary or possible to back directly into a public road shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
 - d. Off-street loading facilities shall be located so as to not interfere with pedestrian access.

B. Use Standards

The minimum size or number of required loading spaces shall be based on the gross floor area of a building or addition. Commercial Uses and Industrial, Research, and Laboratory Uses shall be required to provide a minimum number of loading spaces as follows:

1. Buildings up to and including 2,000 square feet of gross floor area shall not be required to provide a dedicated loading space.
2. Buildings with more than 2,000 square feet in gross floor area, but less than 20,000 square feet of gross floor area shall provide at least one (1) space.
3. Buildings with more than 20,000 square feet in gross floor area, but less than 50,000 square feet shall provide a minimum of two (2) spaces.
4. Buildings 50,000 square feet and greater in gross floor area shall provide three (3) spaces plus one (1) space for each additional 50,000 square feet or fraction thereof.

SECTION 28.09. Modification of Standards

Limited modifications to the standards of this Article shall be permitted, subject to the following:

A. Flexibility in application

The Township recognizes that due to the specific requirements of any given development, the strict application of the parking standards set forth in Article 28 may result in development with inadequate parking or parking in excess of that which is needed. Inadequate parking spaces may lead to traffic congestion or unauthorized parking on adjacent roads or neighboring sites. Excess parking spaces may result in unnecessary paving

and stormwater runoff and the hardsurfacing of space which would otherwise be left as open space. Accordingly, the Planning Commission may, in the reasonable exercise of discretion, permit deviations from the requirements of Article 28 and may require more or allow less parking upon a finding that such deviations are likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. Such finding shall take into consideration the following standards and shall be based upon specific facts and information provided by the applicant, and such other information the Planning Commission shall determine relevant.

1. *Nature of use.* The nature of the particular use or combination of uses, relying upon accepted planning principles with regard to the anticipation of parking demand.
2. *Allocation of square footage.* The allocation of square footage to and among uses, including anticipated parking duration and accompanying drive-through uses.
3. *Potential impacts.* The Planning Commission shall consider the following potential impacts in determining appropriate modifications to the schedule of parking requirements:
 - e. The reasonably anticipated circumstance in the event there is excess parking demand where the number of parking spaces is reduced. Consideration may be given to the availability of alternative parking spaces and/or the likelihood that parking would occur on major thoroughfares or on neighborhood roads.
 - f. The benefit of additional open space or landscaped area on the site, which would not be feasible if the full number of required spaces were improved in the face of an apparent lack of need for all of such spaces.
4. *Other reasons.* Other specific reasons identified by the Planning Commission.
5. *Conditions.* The Planning Commission may attach conditions to the approval of a deviation from the requirements of Article 28 that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may impose such further conditions to ensure that adequate reserve area is set aside for future parking, if needed.

B. Off-Site Parking Facilities

Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:

1. Required parking shall be located within 500 feet of the primary building entrance and shall be on the same side of the road as the use being served, unless otherwise approved by the Planning Commission.

2. An off-site parking agreement shall be prepared by the Township attorney and shall be executed by the parties and recorded at the office of the Oakland County Register of Deeds.

C. Exceeding Maximum Number of Required Spaces

The Planning Commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this Article. Exceeding the maximum parking space requirements shall be prohibited, except where the Planning Commission determines that additional parking is necessary to accommodate the use on a typical day of operation.

D. Deferral of Parking Spaces

The minimum off-street parking requirements of this Ordinance were derived from extensive study and analysis of the actual parking demand of various land uses. As applied to industrial land uses and certain commercial land uses, these standards consider an average parking demand and are designed to accommodate the present occupant of the property as well as possible future occupants. Occasions do arise, however, when the minimum parking standard requires significantly more parking than may be necessary for a particular use. Some manufacturing processes or warehousing operations, for example, require larger buildings but have relatively few employees and generate a relatively low level of demand for parking. The intent of this section is to permit, under certain conditions, the temporary deferral of the construction of a portion of the required off-street parking for industrial land uses and certain commercial land uses and the landbanking of a suitable area of land sufficient to provide the minimum required parking at some future date.

The temporary deferral of the construction of required off-street parking shall only be permitted by explicit approval of the Planning Commission. The Planning Commission may grant a temporary deferral of construction of required off-street parking under the terms of Article 35, Site Plan Review, of this Ordinance provided the requested deferral complies with the standards and conditions set forth in this Section.

1. Industrial Land Uses

- g. Parking construction deferral shall be permitted for industrial land uses in the I, Industrial district for such uses as manufacturing, research office, warehousing or, wholesaling.
- h. Construction shall not be deferred on more than fifty (50%) percent of the minimum required parking stalls required for the use. At no time shall the number of parking stalls to be constructed be less than ten (10) parking stalls.

2. Commercial Land Uses

- a. Parking construction deferral shall be permitted only for commercial land uses in the B-2 and B-3 zone districts for retail stores, shopping centers, and supermarkets with over one hundred thousand (100,000) square feet of usable floor area.

- b. Construction shall not be deferred on more than twenty-five (25%) percent of the minimum required parking stalls required for the use.

3. Application/Approval Requirements

- a. Where a parking construction deferral is requested, the applicant shall submit the following information with the site plan for the development of use of the property:
 - i. The applicant shall describe, in detail, the unique characteristics of the proposed use of the property which justify the proposed construction deferral. The description shall describe how the proposed use and the parking demand characteristics of the proposed use is significantly different from similar uses.
 - ii. If the unique circumstances of the use relate to the number of employees on the property, the applicant shall submit employment records detailing the total number of employees for the past five (5) years, the number of employees projected for the next five (5) years and detailed floor plans indicating all equipment existing or proposed and all possible work stations.
- b. When a parking construction deferral is requested the applicant shall submit a complete site plan for the property indicating all required parking, parking lot landscaping and other information necessary to determine compliance with all requirements of this Ordinance, including the adopted Engineering Design Standards of the Township. The site plan shall indicate that area where parking construction will be deferred, the number of parking stalls for which deferral is proposed and the number of parking stalls to be constructed. The site plan shall note that the area where parking will be deferred is to be reserved for future parking, and will be maintained as landscaped open space and may not be used for any other purpose. The site plan shall further indicate that the areas of land used for construction deferral are suitable for parking construction, and do not contain wetlands, easements, dedicated open space, landscape buffers, or other encumbrances that would prevent construction and full implementation of the site plan for the property.
- c. Areas of land where parking construction has been deferred shall be landscaped and maintained with grass, or other acceptable plant materials. If that area is not disturbed during construction it may, with the specific approval of the Planning Commission, be maintained with existing natural vegetation provided that natural vegetation is in keeping with the general appearance of the area.
- d. Areas of land where parking construction has been deferred may not be used to satisfy interior grounds landscaping, open space, or bufferyard requirements of this Ordinance.

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- e. That portion of the proposed parking lot which will be constructed shall be landscaped to comply with the parking area landscaping requirements of this Ordinance as applied to the parking lot of the size actually constructed.
- f. The Planning Commission may grant a deferral of parking lot construction only upon finding the following:
 - i. That adequate off-street parking for the use will be available on site.
 - ii. The deferral will not create any deficiencies of off-street parking.
 - iii. Parking will not occur on any road, driveway or shared driveway.
 - iv. Parking will not occur on any area not approved and developed for parking.
 - v. Parking will not occur on that area where parking construction has been deferred.
 - vi. The requested parking deferral shall not create traffic or circulation problems on or off-site.
 - vii. The parking lot and drives constructed shall comply with all parking construction requirements of the Zoning Ordinance and adopted engineering design standards of Commerce Township with the exception of the number of parking stalls constructed and the horizontal dimensions of the parking lot.
 - viii. The requested parking deferral shall be consistent with the public health, safety and general welfare of the Township and the purposes of the Zoning Ordinance.
- g. In approving a parking deferral the Planning Commission may prescribe, by specifying in the motion of approval, such conditions regarding the character, location, landscaping and other features that will, in its judgment secure the objectives and purposes of this Ordinance. Violations of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- h. The owner of property for which a parking deferral has been granted shall report any increase in the number of employees or change in the use or occupancy of the property to the Building Director within seven (7) calendar days of said increase or change.
- i. The owner of property for which a parking deferral has been granted shall construct as many of the deferred parking spaces as the Planning Commission deems necessary within six (6) months of the Planning Commission's request

when, in the opinion of the Planning Commission, such construction becomes necessary. Any violation of the conditions or terms of the parking construction deferral shall require the construction of the deferred parking and the full implementation of the site plan for the property.

- j. The applicant for parking construction deferral shall, upon approval of such a deferral, execute an encumbrance upon the deed to the property providing the lien on the property, enforceable by the Charter Township of Commerce, providing that the area of land where parking construction has been deferred shall remain as open space and not be committed to any other use pending construction of required parking areas and further providing that upon sale or lease of the property or any structures located thereon or, upon change of use of the property or any structures located thereon, the deferred parking shall be constructed. Such encumbrance shall be prepared by the Township Attorney and shall contain such terms and conditions as are required to insure compliance with the site plan and this Ordinance. Such encumbrance shall be recorded at the office of the Oakland County Register of Deeds. Upon reapplication, the Planning Commission may extend the parking construction deferral to the new owner or lessor under the terms and requirements of this Ordinance.
- k. Any cost incurred by the Charter Township of Commerce in the implementation and enforcement of the terms of this Section, including court costs and attorney fees, shall be borne by the property owner.

E. Modification of Loading Space Requirements

The Planning Commission may modify or waive the requirement for off-street loading areas, upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

SECTION 28.10. Maintenance

All parking and loading areas shall be maintained in accordance with the provisions of this Article, an approved site plan and the following:

- A. An approved parking or loading facility that is not maintained in accordance with an approved site plan shall be considered a violation of this Ordinance.
- B. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related improvements shall be kept in good repair.
- C. Parking and loading areas shall be kept entirely free of snow. Snow may be stored in a parking area provided adequate on-site parking is provided in an amount equal to that required for the use or uses of the parcel and further provided that snow is not piled at a height to impinge on the a clear sight area as defined in Article 6 of this Ordinance.

SECTION 28.11. Access Management

The purpose of this Section is to protect the substantial public investment in the road system by preserving the traffic capacity of existing roads. It is the further intent of this Section to promote safe and efficient travel within the Township; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

A. Zoning Districts.

The standards of this Section shall apply to properties that abut Haggerty Road, Pontiac Trail, or Maple Road *and* are in one of the following zoning districts: Local Business, Community Business, General Business, Office, Office Research, Industrial, Haggerty Road Corridor Overlay, and Union Lake Road Overlay.

B. County or State Access Management Standards

Where the Road Commission for Oakland County (RCOC) or Michigan Department of Transportation (MDOT) have adopted access management standards which are more restrictive than the standards of this Section, the adopted RCOC or MDOT standards shall supercede the standards of this Section.

C. Driveway Spacing Standards

The location of driveway or shared driveway entrances and exits for all uses shall be subject to the approval of the Planning Director, or Planning Commission when site plan review by that body is required or where approval is required pursuant to the Commerce Charter Township Code regarding streets. Consideration shall be given to the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles. Each parcel or part thereof subject to the standards of this Section shall have no more than one (1) driveway entrance and exit opening to a public road for each 300 feet of frontage or fraction thereof and further provided:

1. Where more than one (1) driveway is allowed, the driveways shall be located at least 150 feet apart.
2. No driveway shall be located within 50 feet of a side lot boundary, or within 100 feet of an intersection of two (2) or more road rights-of-way.

D. Shared Access Standards

Every legally created parcel of land is entitled to access to public roads. Where such access is not provided by way of an existing or proposed service or access drive, the Planning Commission may require a shared driveway meeting the standards of the Commerce Charter Township Code to minimize the need for driveways and curb cuts to each use and thereby decrease hazards to persons and vehicular traffic.

1. **Location.** New shared driveways and cross-access drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the road right-of-way.

2. **Cross-access easement.** Shared driveways and cross-access drives shall be located within a dedicated access easement that permits traffic circulation between lots. This easement and a shared driveway maintenance agreement as required by the Commerce Charter Township Code shall be prepared by the Township attorney, executed by the parties and recorded by the Township attorney with the Oakland County Register of Deeds office and a copy of the recorded easement shall be submitted to the Township Planning Department.
3. **Maintenance.** The easement area shall remain clear of obstructions, and shall not be used for parking unless otherwise approved by the Planning Commission. Each property owner shall be responsible for maintenance of the shared access and shall enter into a maintenance agreement. A maintenance agreement meeting the requirements of this Ordinance and the Commerce Charter Township Code shall be prepared by the Township Attorney, executed by the parties, and recorded at the Office of the Oakland County Register of Deeds.

SECTION 28.12. Traffic Impact Studies

Where authorized by this Ordinance or determined necessary by the Planning Commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The Township may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per Article 1 (Fees).

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. The Planning Commission may modify the TIS requirements or scope based upon site and use location and conditions.

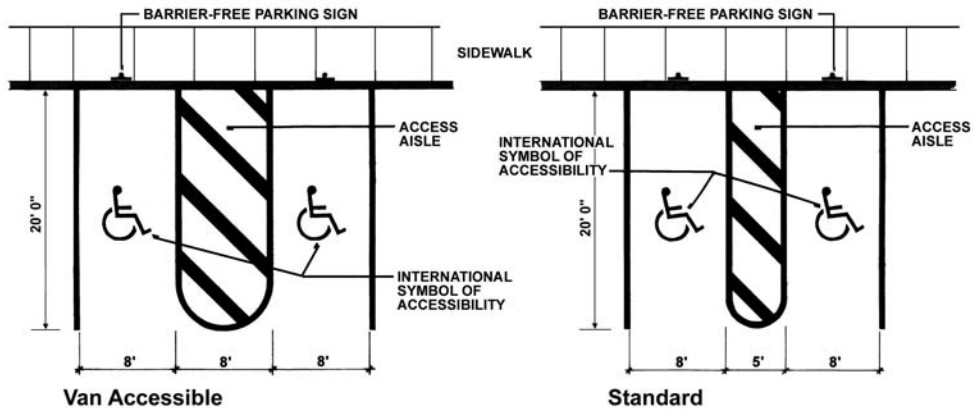
At a minimum, the TIS shall include the following:

- A. An analysis of existing traffic conditions or site restrictions using current data.
- B. Projected trip generation at the subject site based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses at similar locations in Michigan.
- C. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting roads. Capacity analysis shall be based on the most recent edition of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.
- D. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles, and other users.
- E. Prediction of the peak-hour operational conditions at site driveways, shared driveways, and road intersections affected by the development.

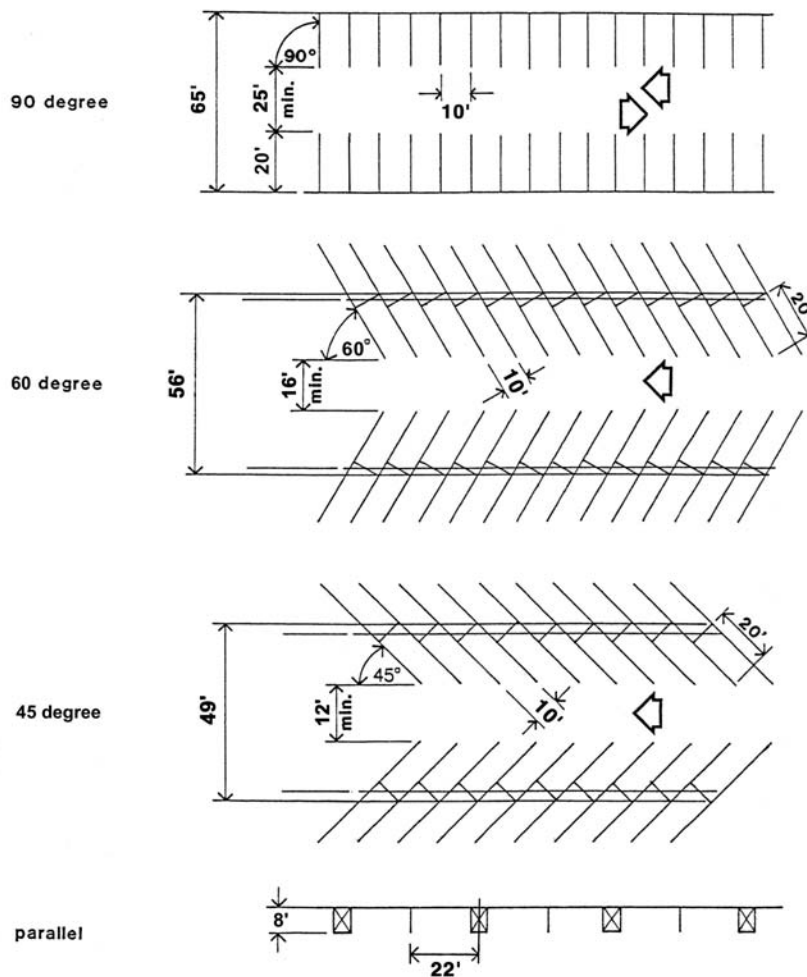
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- F.** Justification of need, including statements describing how any altered or additional access points will meet the intent of this Article, preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the Township, county or state road authorities.
- G.** Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three (3) years of experience preparing traffic impact studies in Michigan. If the TIS involves geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

ILLUSTRATIONS



Barrier-Free Parking Space Layout



Parking Layout