

## ARTICLE 3 ZONING DISTRICTS AND MAP

### SECTION 3.01. Zoning Districts

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

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

**SECTION 3.02. Zoning Map**

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

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

**SECTION 3.03. Amendments**

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

**A. Initiation of Amendment**

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

**B. Application**

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

1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties.
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if the applicant is not the owner in fee simple title.

- 3. The existing and proposed zoning district designation of the subject property and surrounding properties.
- 4. A written description of how the requested amendment meets the criteria stated in this Section.

**C. Rezoning Sign Requirements**

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

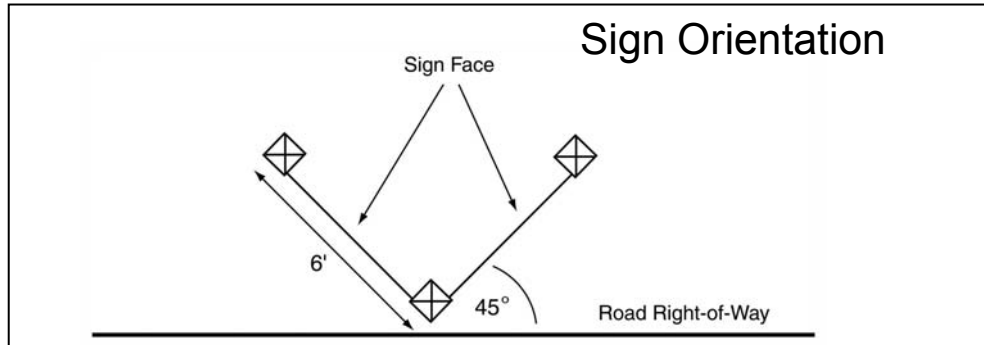
- 1. **Location.** The signs must be prominently placed at 700 foot intervals along the property frontage, adjacent to the public right-of-way. For parcels with less than 700 feet of road frontage, signs shall be placed at the midpoint of the property width. A corner lot will require a minimum of one (1) sign per road frontage. If more than one (1) zoning district is included in the petition, a minimum of one (1) sign must be provided for each proposed district. The location, number and content of such signs must be approved by the Building Department prior to installation.
- 2. **Sign Orientation.** Rezoning signs shall be displayed at forty-five degree angles (45°) to the road right-of-way, to maximize visibility to drivers approaching from both sides of the road (see illustration).
- 3. **Notice Requirements.** Sign lettering shall be black on a white background. Wording on the signage shall be as follows:

**PROPOSED REZONING** .....(minimum 8” high letters)  
**From: (District Name)** .....(minimum 4” high letters)  
**To: (District Name)** .....(minimum 4” high letters)  
*(example: To R-1B, Single Family Residential)*  
**Information (Commerce Telephone #)**.....(minimum 4” high letters)  
**Commerce Charter Township** .....(minimum 3” high letters)

- 4. Structure.
  - a. Size: minimum 4 ft. (vertical) by minimum 6 ft. (horizontal)
  - b. Height: 6 ft. above grade (including posts)
  - c. Sign facing must be exterior plywood, aluminum, or similar durable material.
  - d. Sign support system must be structurally sound.

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

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



**D. Amendment Review Procedure**

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

1. **Technical review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate Township officials for review and comment. The Planning Director may submit the application materials to designated Township consultants for review.
2. **Public hearing.** A public hearing shall be provided as follows:
  - a. Notice shall be published in a newspaper of general circulation in Commerce Charter Township not less than fifteen (15) days prior to the public hearing scheduled.
  - b. Notice shall also be sent by mail or personal delivery to the owners of all property for which approval is being considered, to the owners of all real property within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question, regardless whether the property or occupant is located within the Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) such units or spatial areas, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. This notice shall be sent not less than fifteen (15) days prior to the date of the public hearing scheduled.  
  
However, if eleven (11) or more adjacent properties are proposed for rezoning, then notice is not required for the owners of those properties or the

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

- c. The notice shall contain:
  - i. A description of the nature of the request to be heard.
  - ii. A description of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
  - iii. A statement of when and where the request will be considered.
  - iv. An indication of when and where written comments will be received concerning the request.

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

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

- a. Consistency with the Master Plan. Consistency with the Master Plan’s goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
- b. Environmental Features. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site’s physical, geological, hydrological, and other environmental features.
- c. Suitability with the Law. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- d. Capacity of Public Services and Utilities. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of Township residents or burdening the Township or Oakland County with unplanned capital improvement costs or other unplanned public expenses.
- e. Capability of Road System. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).

- f. *Demand for Uses.* The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.
  - g. *Scale of Future Development.* The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
  - h. *Isolation of Uses or Creation on Incompatibilities.* The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
  - i. *Other Factors.* Other factors deemed appropriate by the Planning Commission and Township Board.
4. **Township Board Action.** The Township Clerk shall forward a copy of the proposed amendment and report and recommendation from the Planning Commission to the Township Board for consideration and final action.
- a. The Township Board may adopt or reject the proposed amendment, or may refer the amendment back to the Planning Commission for revision or further consideration.
  - b. If the Township Board requests revisions to the proposed amendment, the amendment and requested revisions shall be referred back to the Planning Commission for further consideration.

**E. Re-Application.**

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

- 1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- 2. New or additional information is available that was not available at the time of the review.
- 3. The new application is materially different from the prior application.