

ARTICLE 32

SPECIAL DEVELOPMENT PROVISIONS

SECTION 32.01. Approval of Land Divisions

Land divisions shall comply with the requirements of the Land Division Act (P.A. 288 of 1967, as amended), and the Commerce Charter Township Code. The resulting parcels shall conform to the requirements of this Ordinance.

SECTION 32.02. Protection of Wetlands and Bodies of Water

- A.** A setback of twenty five (25) feet shall be maintained from the edge of any stream, pond, lake or other body of water and from the edge of any regulated wetland or open drain. Such setbacks shall be measured from the top of the bank or other defined edge. No buildings or other structures shall be constructed within said setback.
- B.** The following improvements may be permitted within the required setback noted above, subject to Planning Commission approval, provided that the permitted improvements are setback a minimum of twenty-five (25) feet from the edge of any stream, pond, lake or other body of water and fifteen (15) feet from the edge of any wetland or open drain:
 - 1. Trails, boardwalks, observation platforms or similar passive recreational improvements.
 - 2. Detention basins and similar stormwater management facilities provided that appropriate replacement plantings are provided and maintained.

SECTION 32.03. Water Supply and Sanitary Sewers

Where required by the Commerce Charter Township Code, buildings shall be provided with an adequate source of potable water and adequate sewer or septic system facilities, subject to the approval of the Building Official.

SECTION 32.04. Sidewalks

A. Purpose and Scope

To provide for a continuous network of sidewalks and pedestrian paths; ensure safe and convenient pedestrian and non-motorized travel; and improve barrier-free access to sites in Commerce Township, it shall be the policy of the Township to require the installation, extension or modification of public sidewalks and sidewalk connections to primary building entrances to serve uses and developments subject to site plan approval per Article 35 (Site Plan Review), condominium site plan approval per Article 37 (Condominium Regulations) or planned unit development approval per Article 38 (Planned Unit Developments).

SECTION 32.05. Residential Cluster Option

A. Purpose and Intent

It is the purpose of this subsection to encourage more imaginative and liveable housing environments within the One Family Residential Districts through a planned reduction or averaging of the individual lot area requirements for each zoning district provided the overall density requirements for each district remain the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or groups of owners acting jointly, can plan and develop a tract of land as an entity and thereby qualify for regulation of that tract of land as one complex land use unit rather than an aggregation of individual buildings located on separate unrelated lots and/or parcels. Under these conditions, a special land use may be granted to allow for the construction and occupancy of a cluster housing development provided the development complies with the standards and requirements set forth in this section.

B. General Requirements

1. Cluster Housing developments shall contain a minimum of ten (10) acres of lot area exclusive of wetlands, floodplains, and other unbuildable areas.
2. Cluster Housing developments shall comply with all requirements of Article 35, Site Plan Review.
3. Cluster Housing developments shall adhere to all other requirements pertaining to height, bulk, minimum floor area or other aspects of development in the R-1A zoning district.
4. Ingress and egress to a major thoroughfare shall be kept to a minimum. All interior roads within and exclusively serving the cluster housing development shall be designed and constructed to the requirements of the Road Commission for Oakland County and dedicated as public roads

C. Submitted Plans

1. The following items shall be clearly drawn and identified on all plans submitted to reviewing and approving entities:
 - a. All open space to be preserved.
 - b. The exact limits of disturbance, including, but not limited to: grading, roads, and utilities.
 - c. Existing vegetation to be preserved and/or removed.
 - d. All open space preservation area staking and signage, which is required to be actively maintained on-site throughout the project.

D. Utilities

1. Public utilities may be permitted within the roadside open space preservation area provided the Planning Commission specifically finds that the proposed utilities will not significantly diminish or destroy the natural vegetation intended for preservation by this Section. Unless it is demonstrated to be impractical, directional boring of utilities shall be required in the roadside preservation areas.
2. Any utilities located within the preserved open space shall be placed underground unless approved by the Planning Commission.

E. Permitted Housing Types

Housing types in a cluster housing development shall be limited to single family detached units.

F. Lot Area and Density

The permitted net density within a cluster housing development shall not exceed the limits set forth in the following table:

Zoning District	Maximum Net Density	Minimum Lot Size
R1-A	2.2	15,000 sq.ft.
R1-B,C, and D	3.5	9,000 sq.ft.
R-2	4.5	7,200 sq.ft.

G. Size and Location of Permanently Preserved Open Space

For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be set aside under legal encumbrances for common open space use of the home or lot owners within the cluster housing development assuring that the required open space remains open and is properly maintained. Any area to be dedicated for public park, recreation or open space shall be subject to the approval of the Commerce Township Board, after review and recommendation by the Planning Commission, for minimum size, shape, location, and to assess the character of any improvements and for assurance of the permanence of the open space and continued maintenance thereof.

H. Lot Area

1. Lot area may be reduced by an amount not to exceed twenty five (25%) percent of the minimum required lot area.
2. All land area gained through lot reduction shall be located within one or more common open space areas.
3. Land within actual or phantom lot lines shall not be credited as open space.

4. Wetland areas shall not be credited as open space.

I. Lot Width

1. Lot width or distance between detached condominium units may be reduced by an amount not to exceed twenty (20%) percent of the minimum required lot width.
2. All land area gained through lot width reduction shall be located within the common open space areas.

J. Setbacks

1. Lot reduction will be permitted provided subsequent construction on the lot or unit complies with all setback requirements.
2. The developer shall be required to include the Township's current setback requirements in the deed restrictions for the development.
3. No building shall be located less than one hundred ten (110') feet from the center line of any thoroughfare with an existing or proposed right of way of one hundred twenty (120') feet or greater.

K. Wetlands and Watercourse Setback

The following setbacks shall be maintained from any Protected Wetlands and Watercourses, as defined in Article II:

1. A setback of twenty five (25) feet shall be maintained from the edge of any stream, pond, lake or other body of water and from the edge of any regulated wetland or open drain. Such setbacks shall be measured from the top of the bank or other defined edge.
2. Docks, bulkheads, patios, terraces, decks, gazebos, and pathways may be permitted within the waterfront or wetland setback, subject to review and approval by the Planning Director and Building Director, upon finding that there will be no adverse impact on ground or surface waters or floodplains.

L. Design Flexibility

1. In order to provide an orderly transition of density where a cluster housing development is adjacent to a single family detached residential subdivision or site condominium project or where eighty (80%) percent of the parcels within one thousand (1,000') feet of the project site are developed with single family detached residential uses on parcels of land one-half (1/2) acre or greater in lot area the Planning Commission may require additional setback, additional screening, additional spacing between buildings, lower average density or other alternations in the development plan designed to ensure greater compatibility with

the character of surrounding development and mitigate any negative impacts of such developments.

2. In order to facilitate more imaginative design and better utilization of existing topography and tree cover conditions, the Planning Commission may permit up to a maximum of four detached single cluster housing units to be served by a single shared driveway. Said shared driveways shall be constructed as required by the Commerce Charter Township Code and shall not exceed a length of two hundred fifty (250') lineal feet as measured from the right of way of the street or road of intersection. Access to each dwelling served by a common driveway shall be provided by easement or, in the case of a site condominium, by assignment of a limited common area interest and a shared driveway agreement. Easements or assignment of a limited common area interest 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.

M. Ineligible Areas

1. Wetland areas as defined by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality shall not be considered as open space for consideration in determining lot area or width reduction under this Section.
2. Land which is within a floodplain, watercourse, drainage course or subaqueous lands not otherwise delineated, including, but not limited to those subaqueous lands beneath the waters of lakes or ponds up to the traverse line of said lakes or ponds shall not be considered as open space for consideration in determining lot area or width reduction under this Section.
3. Detention or retention basins, pipeline easements, or public rights-of-way shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

N. Landscaping

1. A landscaped berm at least five (5') feet in height, as measured from the grade at the centerline of the road, with a maximum slope of not greater than three (3') feet of run for each one (1') foot of rise, shall be provided along the entire property line abutting a major thoroughfare. The design of the berm shall be such that the horizontal view of oncoming traffic at an intersection is not obscured. The Planning Commission may approve optional methods of screening, in lieu of a berm, when unusual topographic or other physical features make a berm impractical.
2. Streetscape and entranceway landscaping, as required under Article 29 of this Ordinance, shall be required along all roads adjacent to, or crossing, the roadside open space area.

3. Any additional landscaping of the open space area must be approved by the Planning Commission upon its review of a detailed landscape plan.
4. Existing vegetation preserved may be counted toward landscaping requirements as approved by the Planning Commission.
5. The Planning Commission may require a tree survey of any trees over six (6”) inches in caliper.
6. Performance measures, as required under Article 29 of this Ordinance, shall also apply to all landscaping of roadside open spaces.

SECTION 32.06. Roadside Open Space Provision Option

A. Purpose and Intent

It is the purpose of the Roadside Open Space Option to encourage the preservation of open space along main roads and retain the semi-rural appearance of the community. Lots or units in single family detached subdivisions or detached site condominium developments may be reduced in area and/or width in exchange for preservation of open space areas along main roads.

B. Submitted Plans

1. The following items shall be clearly drawn and identified on all plans submitted to reviewing and approving entities:
 - a. All open space to be preserved.
 - b. All limits of disturbance, including, but not limited to: grading, roads, and utilities.
 - c. Existing vegetation to be preserved and/or removed.
 - d. All open space preservation area staking and signage, which is required to be actively maintained on-site throughout the project.

C. Location of Preserved Roadside Open Space

1. The open space to be preserved shall be located adjacent to a main road as listed under Article 6 of this Ordinance.
 - a. If parcel(s) of land, proposed to be developed under this provision, are located adjacent to two main roads as listed under Article 6 of this Ordinance, open space shall be preserved consistent with all requirements described herein along both main roads.

- b. The open space area shall run the full width of the frontage of the main road, broken only by necessary development of entry roads.
- c. The Planning Commission may modify this requirement to accommodate unique site features or conditions.

D. Utilities

1. Public utilities may be permitted within the roadside open space preservation area provided the Planning Commission specifically finds that the proposed utilities will not significantly diminish or destroy the natural vegetation intended for preservation by this Section.
2. Any utilities located within the preserved open space shall be placed underground unless approved by the Planning Commission.

E. Depth

1. The open space area should be generally of uniform depth measured from the road right-of-way.
2. The depth of open space shall be a minimum of seventy-five (75) feet in addition to any required setbacks. The depth may be varied based on a landscape plan that provides sufficient landscape material to achieve the semi-rural appearance of the area as determined by the Planning Commission

F. Lot Area

1. Lot area may be reduced by an amount not to exceed twenty five (25%) percent of the minimum required lot area.
2. All land area gained through lot reduction shall be located within the roadside open space area.
3. Land within actual or phantom lot lines shall not be credited as open space.
4. Wetland area shall not be credited as open space.

G. Lot Width

1. Lot width or distance between detached condominium units may be reduced by an amount not to exceed twenty (20%) percent of the minimum required lot width.
2. All land area gained through lot width reduction shall be located within the roadside open space area.

H. Setbacks

1. Lot reduction will be permitted provided subsequent construction on the lot or unit complies with all setback requirements.
2. The developer shall be required to include the Township’s current setback requirements in the deed restrictions for the development.

I. Ineligible Areas

1. Wetland areas as defined by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality which are located along main roads or within proposed roadside open space areas shall not be considered as open space for consideration in determining lot area or width reduction under this Section.
2. Detention or retention basins, pipeline easements, or public rights-of-way shall not be considered as open space for consideration in determining lot area or width reduction under this Section.

J. Landscaping

1. Streetscape and entranceway landscaping, as required under Article 29 of this Ordinance, shall be required along all roads adjacent to or crossing the roadside open space area.
2. Any additional landscaping of the open space area must be approved by the Planning Commission upon its review of a detailed landscape plan.
3. Existing vegetation preserved may be counted toward landscaping requirement as approved by the Planning Commission.
4. Planning Commission may require a tree survey of any trees over ten (10”) inches in caliper.
5. Performance measures, as required under Article 29 of this Ordinance, shall also apply to all landscaping of roadside open spaces.

K. Preserved Open Space

1. Prior to any site work undertaken with respect to developments approved under this Section, the roadside open space preservation area(s) shall be clearly staked, fenced, and delineated with warnings to workers and the public that the area is not to be disturbed,.
2. Any and all damage or destruction to natural features in the preserved open space is grounds for revocation of Site Plan Approval and/or Certificate of Occupancy.

3. Alternatively, the Township Board, upon recommendation from the Planning Commission, may use its discretion to approve mitigation plans in the damaged areas.
4. A performance guarantee shall be posted to assure protection of open space during construction.

L. Plan Revisions

1. Any revisions to plans approved under this Section shall be submitted to the Planning Commission.

M. Conservation Easements

1. Any area intended to be preserved as roadside open space under this Section shall be permanently dedicated to that purpose by means of a conservation easement to the benefit of Commerce Township.
2. The easement shall prohibit the construction of any above ground structure with the exception of bicycle paths or sidewalks and required development entrance signs.
3. The conservation easement shall prohibit the cutting of vegetation, including all deforestation activities, without Planning Commission approval of such removal, which requires an approved mitigation plan and corresponding deed restriction(s).

SECTION 32.07. Golf Course Open Space Development

A. Purpose and Intent

It is the purpose of this subsection to promote the preservation of open space and the semi rural atmosphere of Commerce Township and to encourage the continuation of golf courses as open space recreation uses by allowing limited development of a single family residential use in association with, and ancillary to, a golf course. It is recognized that as the costs of holding land escalates it becomes increasingly difficult to economically own and operate uses, such as golf courses, which involve a large area of land in a use of relatively low intensity. These regulations are designed to allow open space housing to be developed in association with a golf course in such a fashion as to preserve both the golf course and the open space resources of the area.

B. Permitted Development

Single family residential use shall be permitted as an accessory use to a golf course. Housing types shall be limited to single family, detached and single family, attached dwellings offering separate and individual living units with no other living unit above or below it. The number of dwelling units which may be attached in the above manner in any one building shall not exceed four (4) units.

C. General Requirements

All golf course open space housing developments shall comply with the following development requirements:

1. For the purpose of this Section, when the property is divided by a major thoroughfare, as listed in Article 6 herein, the development of housing shall occur on either side of the thoroughfare in direct proportion to the percent of property on that side of the thoroughfare. For example, if a parcel was divided by a major thoroughfare so thirty (30%) percent of the land was on one side of the thoroughfare, then thirty (30%) percent of the planned housing and thirty (30%) percent of the golf course shall be developed on that side of the thoroughfare.
2. The overall permitted density for a golf course open space housing development shall not exceed one (1) dwelling unit per acre of the contiguous net acreage of the total golf course property.
3. The open space housing use, including roads and other infrastructure and support service areas for the primary use of the housing portion of the development, shall not occupy an area greater than forty (40%) percent of the contiguous net acreage of the property. The remainder of the property shall be dedicated to the golf course use.
4. The golf course portion of the property shall be at minimum a full nine (9) hole par thirty-six (36) golf course containing a minimum of forty (40) contiguous acres.
5. Requirements pertaining to building height, bulk, and minimum floor area or other aspects of development shall be as required by the R-1A, One Family Residential zone districts.
6. Yard requirements for golf course open housing shall be as follows:
 - a. Except as provided herein, the minimum front or road side yard shall be fifteen (15') feet from the edge of the right-of-way of all interior roads, wholly within the project area, and twenty-five (25') feet from the setback line of any street or road not wholly within the project area;
 - b. The minimum rear yard shall be thirty-five (35') feet.
 - c. The minimum side yard shall be five (5') feet.
 - d. No detached single family dwelling shall be less than ten (10') feet from another dwelling. No building comprised of attached single family dwellings shall be less than twenty (20') feet from any other dwelling.
 - e. No dwelling shall be located less than thirty-five (35') feet from a lake, stream, or floodplain boundary; and

- f. No building comprised of attached single family dwellings shall be located less than one hundred fifty (150') feet from any adjacent property zoned for a single family residential dwelling unit that is not located within the golf course housing project area.
7. Consistent with the intent of this Section to preserve the semi rural atmosphere of the community and sense of openness along main roads, dwellings shall be constructed on the property in locations that minimize the visual impact and obtrusiveness of the development when viewed from main thoroughfares as listed in Article 6. The preferred method to accomplish this requirement is for dwellings to maintain a setback of three hundred (300') feet from any road listed in Article 6. Alternatives could include less setback with berms and/or plant material screening, spacing of dwellings so extensive and continuous views of the golf course and open spaces are maintained, or combinations of these techniques.

D. Streets and Roads

All street and roads shall, at a minimum, conform to the standards and specifications promulgated by the Road Commission for Oakland County for a “Typical Residential Road” in single family residential subdivision.

In order to facilitate more imaginative design and better utilization of existing topography and tree cover conditions, the Planning Commission may permit up to a maximum of four (4) detached, single cluster housing units to be served by a single shared driveway. Said shared driveways shall be constructed according to the Commerce Charter Township Code and shall not exceed a length of two hundred fifty (250) lineal feet as measured from the right-of-way of the street or road or intersection. Access to each dwelling served by a shared driveway shall be provided by easement or, in the case of a site condominium, by assignment of a limited common area interest and a shared driveway agreement. Easements or assignment of a limited common area interest 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.

E. Wetlands

Wetland areas, as defined by the U.S. Army Corps of Engineers or the Michigan Department of Environmental Quality, may not be included in lot area and density calculations.

F. Preservation of Golf Course Open Space

As the intent and purpose of this Section is to promote the preservation of open space and the continuation of the principal golf course use, and as the golf course housing option is intended only to be ancillary to a functioning golf course use, it is essential that sufficient steps be taken to insure the continuation of the golf course and the preservation of the areas as a low intensity or open space use are guaranteed in perpetuity. Toward this end,

a conservation easement to the benefit of Commerce Township and/or the residents of the golf course housing shall be placed on all areas of the property designated as golf course or open space limiting the future use of the property to the approved golf course or open space uses. The language of any such conservation easement shall be approved and accepted by the Township Board prior to the construction of any residential units.

G. Golf Course Clubhouse

A golf course clubhouse may be located on a public road having a minimum right-of-way width of sixty (60') feet provided the following conditions are met:

1. The clubhouse is constructed in conjunction with a residential development, where the golf course is included as an integral part of approved site plan for the residential development;
2. The clubhouse is located no further than two thousand (2,000') feet along such road from a public road listed on the Township Master Plan as a Major Thoroughfare;
3. The food and beverage service provided at the clubhouse shall not be open to the general public; except to those who reside in the residential development (and their guests), those who are utilizing the golf course to play golf or in the connection with private banquets held at the clubhouse;
4. The property owner shall provide a use plan for the clubhouse which demonstrates that the conditions of this subsection will be met and that the traffic load will be appropriate for the road on which the clubhouse is located and the adjacent neighborhood; and
5. The property owner shall, as a condition of approval, agree to pay for all cost incurred by the Township to enforce the provisions and conditions of the site plan.

SECTION 32.08. Lake Access

A. Purpose and Intent

The Charter Township of Commerce is a rapidly developing urbanized township with many lakes of varying sizes and characteristics. The Township is concerned about lake ecology and the safe use of lakes within the community and seeks to promote their safe use and preserve them as community assets. In some cases the character and intensity of lake use can create conditions amounting to a nuisance, impair important and irreplaceable natural resources, destroy property values, and threaten the health, safety and welfare of the public. It is the intent of this Section to establish a framework for study of specific township lakes on an “as needed” basis. The study will have the purpose of determining whether it is appropriate to permit keyhole access to a lake and if so the minimum regulations necessary to eliminate the conditions that are a nuisance, impair important and irreplaceable natural resources, destroy property values, and

threaten the health, safety and welfare of the public. Lake access shall be permitted as a Special Land Use subject to the following:

1. Special Land Use Approval Required

Except as provided in paragraph 2 below, Special Land Use Approval is required to provide lake access over or through property which:

- a. Provides lake access, regardless of the means, to persons who do not reside on the property.
- b. Provides lake access to benefited property which is not a part of or contiguous with the lake access site.
- c. Provides lake access to property owners who, as of January 18, 1994 (the effective date of adoption of zoning provisions regulating lake access), cannot trace their title to a common grantor, within the last conveyance, whose property had direct lake frontage.

2. Special Land Use Approval NOT required

Special Land Use Approval is not required to provide lake access over or through property that is in common ownership with and contiguous to property with lake frontage as of January 18, 1994 (the effective date of adoption of zoning provisions regulating lake access).

3. Definitions

Definitions applicable to this subsection:

- a. Boat Launch Facility consists of a ramp and other equipment located at the edge of a lake or other body of water for the exclusive purpose of launching boats into the water.
- b. Lake Access means use of a lake for any purpose.
- c. Contiguous means sharing a common boundary of twenty-five (25') feet or more, said boundary having been established by recorded instrument or conveyance prior to the effective date of this Section. Property separated from other property in common ownership with Lake Frontage Property by a private road or public road is not considered contiguous.
- d. Lake Frontage means property with frontage on a lake or a river, stream or canal that leads to a lake.
- e. Common Ownership means:
 - i. Identical fee owner or land contract vendee.

- ii. Fee owner or land contract vendee's interest owned by husband or wife.
- iii. Fee owner or land contract vendee's interest owned by corporate holding company and subsidiary.

B. Other exceptions

The private use of property with Direct Lake Access by the owner, the owner's family, and the owner's guests on an occasional, informal and casual basis is not intended to be subject to the requirements of Special Land Use Approval.

C. Lake Study Plans

A detailed graphical lake study plan shall be submitted with the Application for Special Land Use. The plan shall be prepared under the direction of a registered civil engineer and shall meet these requirements:

1. Drawn to scale of 1" equals 50'.
2. Sheet size shall be 24" x 36".
3. General descriptive and identification data shall include:
 - a. Petitioner's name, address, telephone number.
 - b. Preparer's name, address, telephone number.
 - c. Title block.
 - d. Scale.
 - e. North point.
 - f. Date of submission and revisions.
4. Show gross size of lake in acres or fractions of acres.
5. Show size of lake band 100 feet from shore.
6. Show lineal feet of navigable tributaries (including canals).
7. Show length of shoreline in feet.
8. Show location of existing drainage courses, canals, flood plains, wetlands, rivers and streams within one-half (1/2) mile which affect the lake.
9. Include a depth chart.

10. Include a lake bottom soils survey.
11. Show existing and proposed lake access easements.
12. Show location and size of vacant property possessing riparian rights to access to the lake.
13. Show all points of general or limited Public Access.
14. Show actual use of properties with Direct Lake Access.
15. Show actual use of properties with current Keyhole Lake Access.
16. Show zoning and master plan for properties with Direct Lake Access.
17. Show zoning and master plan for properties with current Keyhole Lake Access.
18. For all properties with Keyhole Lake Access, attach copies of Declaration of Covenants and Restrictions, Master Deeds or similar recorded instruments providing authority for such access.
19. Include a use study showing the following:
 - a. Number of watercraft currently docked or stored for immediate lake use. Distinguish type:
 - i. Sail craft,
 - ii. Human powered
 - iii. Powered by motors under ten horsepower.
 - iv. Powered by motors between ten horsepower and twenty-five horsepower, and
 - v. Powered by motors over twenty-five horsepower
 - b. Number of watercraft using the lake during the months of May and September.
 - c. Number of reported watercraft accidents, citations, warnings or incidents for the previous year. Break down of those involved in lake accidents as follows:
 - i. Relationship to lake
 - (a) Stranger
 - (b) Direct Lake Access owner
 - (c) Keyhole Lake Access owner
 - (d) Other

- ii. Fault
 - iii. Injury
 - iv. Property damage
 - v. Nuisance behavior
 - vi. Other basis for reported incidents
- d. Lineal feet of shoreline developed for beach purposes.
- 20. Provide a water quality report showing the extent to which water quality has been affected by existing use of the lake.
 - 21. Provide a status report detailing shoreline erosion conditions.
 - 22. Provide a report of wildlife, waterfowl and fish habitat conditions on and surrounding the lake.
 - 23. List all subdivision associations, condominium associations and public interest groups with an interest in the lake.
 - 24. If the lake borders another political subdivision list all regulations affecting lake access.
 - 25. Provide any other factor impacting or relating to the need for regulation of lake usage as a means of protecting the public health, safety and welfare.

D. Planning Commission Decision

When reviewing a request for lake access the Planning Commission shall consider the following factors in addition to those detailed in Article 34 of this Ordinance.

- 1. Will the additional access create conditions leading to overcrowding of the lake?
- 2. Will the additional access lead to conditions unreasonably limiting the access and use rights of riparian owners?
- 3. Will the additional access lead to conditions which could degrade water quality in the lake to unsafe or unhealthy levels?
- 4. Will the use of the access site create nuisance conditions for neighboring property owners?
- 5. Will use of the access site create unreasonable traffic congestion in the neighborhood surrounding the site?

E. Appeal to Township Board of Trustees

An applicant, or an owner of property immediately adjacent to the subject property, or, where the applicant or owner of the property proposed for lake access also owns or controls the immediately adjacent property, the owner of the next adjacent property owned or controlled by a person not the applicant or owner of the property proposed for lake access, may appeal the decision of the Planning Commission on an Application for Special Land Use under this Section to the Township Board of Trustees if a request for an appeal is filed with the Township Clerk within 10 days of the date of the Planning Commission's decision. The Township Board may affirm, reverse or modify the decision of the Planning Commission or remand the matter back to the Planning Commission for further consideration.

F. Expiration

A lake study plan prepared under this Ordinance shall be considered to be valid for three years for the date of submittal of the application for Special Land Use under this Ordinance.