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5200 Civic Center Drive  
Waterford, Michigan 48329-3773  
Telephone: (248) 674-6238 Fax: (248) 674-4097  
www.waterfordmi.gov

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Rob Merinsky, PE  
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Division  
Jeffrey M. Polkowski, AICP  
Superintendent of Planning &  
Zoning Division

## MEMORANDUM

Date: September 3, 2021  
To: Honorable Township Board Members  
From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning  
RE: Item# 2021-Z-014  
Proposed Zoning Ordinance Text Amendment: Outdoor Dining  
C-2, Small Business District

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Attached for your review and consideration, please find one (1) proposed Zoning Ordinance Text Amendment. This ordinance amendment was initiated after the expiration of the Resolution Allowing Temporary Uses Due to COVID-19 States of Emergency, Orders, and Related Hardships. The intent of the now expired Resolution was to provide relief to Waterford Township's business owners and their patrons due to the hardships imposed from the COVID-19 pandemic by allowing outdoor seating, and expansions to existing outdoor seating.

At this time it was discovered that, although outdoor dining is permitted with a Special Use Approval by the Planning Commission in the C-1, C-3, and C-4 Zoning Districts, it is not mentioned as an allowed use in the C-2 Zoning District. Because of the allowance of this use in the more intensive and less intensive Zoning Districts, staff can only speculate that this was an erroneous oversight when first drafting the Zoning Ordinance

The Zoning Ordinance defines Outdoor Dining Patios as:

**Outdoor Dining Patio.** *A structure consisting of an improved surface upon which outdoor tables, chairs, plantings, and related decorations and fixtures are located and maintained for food and beverages.*

As with all current outdoor dining regulations, they must be conducted in areas structurally attached to or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.

### **Planning Commission Recommendation and Findings**

The Planning Commission reviewed this proposed Rezoning at the regularly scheduled meeting on August 24, 2021 and resolved unanimously, to forward a favorable recommendation to the Township Board.

### **Motions**

Based upon the Planning Commission's favorable recommendation at the August 24, 2021 regular meeting for this zoning ordinance amendment, should the Board want to consider adopting the proposed ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the September 27, 2021 meeting.

I have attached a map highlighting the affected parcels within the Township. Should you have any question's please do not hesitate to reach out to this office.

**With us there are no  
boundaries**

**SECTION 3-704. C-2, SMALL BUSINESS DISTRICT**

The regulations in the subsections below shall apply to properties in the C-2 Small Business Zoning District:

**3-704.1. Purpose and Intent.** The C-2 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.1, *Develop and Utilize Township Capacity for Proactive Economic Development*, by permitting commercial uses properly scaled and designed for zoning lots with limited lot area that were established along commercial corridors prior to the adoption of commercial zoning regulations in Waterford Township.

**3-704.2. Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with *Section 3-900* and *3-901* and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with *Section 4-004*.

**3-704.3. Permitted Principal Uses.** The following uses shall be permitted as principal permitted uses in the C-2 district:

- A. Convenience stores, limited merchandise stores, and specialty retail stores (*See Retail Establishments in Section 1-007*).
- B. Animal grooming establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments (*See Commercial Service Establishments in Section 1-007*).
- C. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- D. Professional medical care offices (*See Medical Establishments in Section 1-007*).
- E. Office establishments (*See Office Establishments in Section 1-007*).
- F. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (*See Restaurant Establishments in Section 1-007*).
- G. Entertainment rental establishments (*See Rental Establishments in Section 1-007*).
- H. Used book shops (*See Resale Establishments in Section 1-007*).
- I. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
- J. Area public utility facilities (*See Public Utility in Section 1-007*) and regional public utility facilities (*See Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in the **SPL Manual** and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews.
- K. Licensed medical marihuana provisioning centers that comply with the applicable regulations in *Section 2-604*. (*See MEDICAL MARIHUANA USES AND DEFINED TERMS in Section 1-007*).
- L. Outfitters (*See Recreational Facilities in Section 1-007*). (Effective 8/17/2021)

**3-704.4. Permitted Uses after Wellhead Protection Compliance.** Minor vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*) shall be permitted as a principal permitted use in the C-2 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with *Section 4-004*.

**3-704.5. Permitted Uses after Special Approval** The following uses shall be permitted as special approval uses in the C-2 district, subject to the review and approval of the use in accordance with *Section 4-006* and any conditions hereinafter imposed for each such use:

- A. Banquet and food preparation establishments (*See Commercial Service Establishments in Section 1-007*). (Effective 8/4/20)
- B. Electric Vehicle Charging Stations (*See Electric Vehicle Charging Stations in Section 1-007*). (Effective 5/4/2021)
- C. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with outdoor dining patios conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance. (Effective 9/27/21)

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2021-Z-014

**TEXT AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Section 3-704 C-2, Small Business District text to allow Restaurant Establishments with outdoor dining, as permitted uses after special approval.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 3-704.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-2, Small Business District, is amended by adding a new subsection C to read as follows:

- C. Restaurant Establishments (See **Restaurant Establishments** in **Section 1-007**) with outdoor dining patios conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operation, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance. (Effective 9/27/21)

**Section 2 of Ordinance**

The effective date of this Ordinance shall be on the 8<sup>th</sup> day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

**CERTIFICATION**

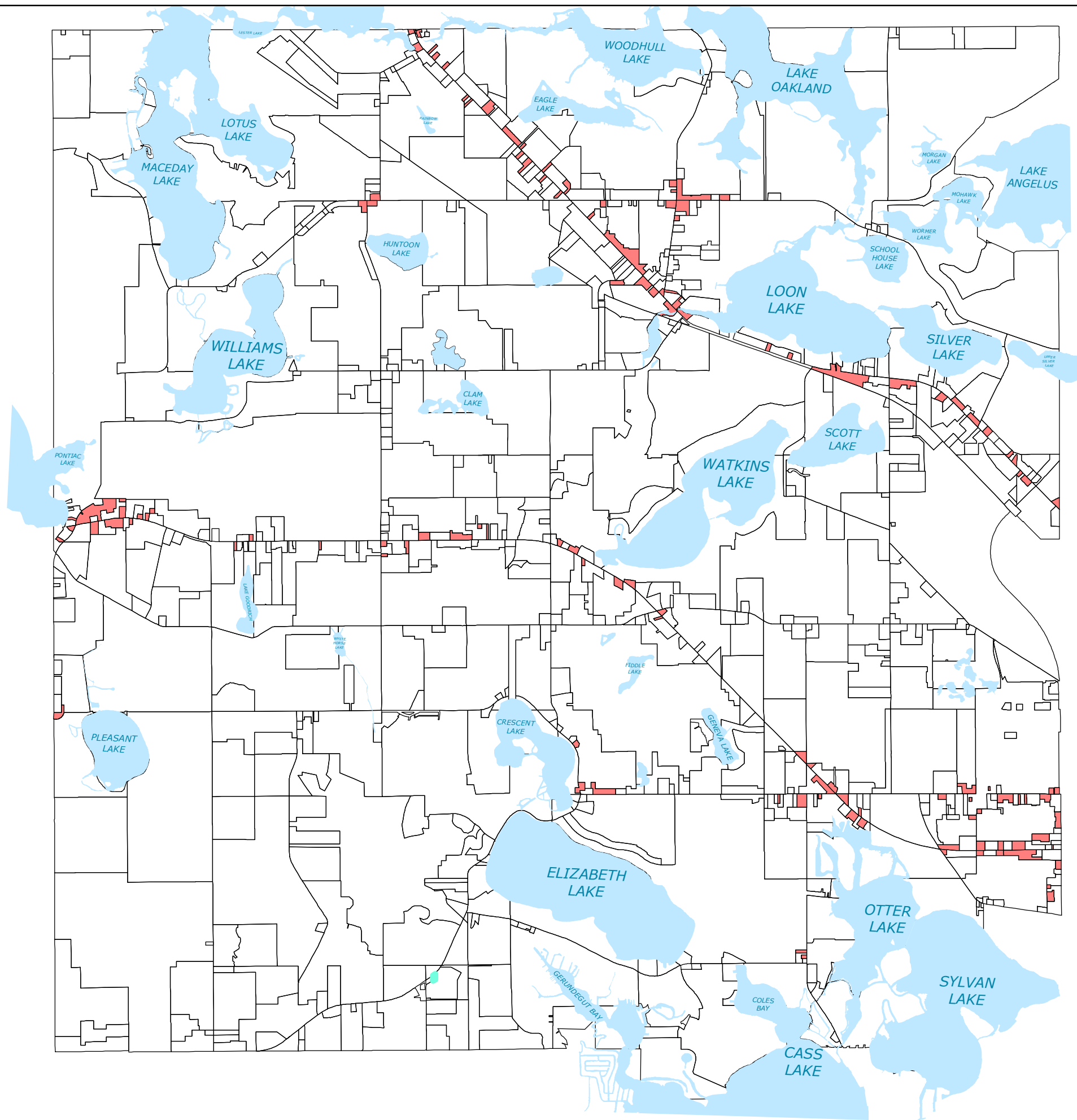
I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kimberly Markee, Township Clerk



**Proposed Zoning Ordinance Text Amendment**  
**Outdoor Dining Patios**  
**C-2, Small Business**



**Legend**

- C-2, Small Business
- All Other Zoning Districts
- Lakes

Charter Township of Waterford  
Development Services Department  
Planning and Zoning Division

Drawn By; J. Polkowski  
August 20, 2021