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**DEVELOPMENT SERVICES
DEPARTMENT**

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

Dave Hills
Superintendent of Building
Division

MEMORANDUM

Date: February 6, 2023

To: Honorable Township Board of Trustees

From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning

RE: Text Amendment: Light equipment rental establishments, new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments in the C-4 Zoning District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment removes all light equipment rental establishments, new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments as a Permitted Principal Use and adds it to the list of Permitted Uses after Special Approval within the C-4 Extensive Business District.

This would establish the Planning Commission as the review and approval authority for all light equipment rental establishments, new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments within the C-4 Extensive Business District in accordance with Section 4-006 of the Zoning Ordinance.

After due consideration, Planning Staff has recognized these uses, although considered necessary and desirable in many situations, to be a sensitive ones that should be reviewed on a case-by-case basis by the Planning Commission. This would also require that the public be notified in the case of any new proposed light equipment rental establishments, new vehicle dealer, used vehicle dealer, or vehicle broker dealer establishments in the C-4 Extensive Business District. The public would then have the right to review and comment on these proposals to make sure that effective site development practices are established so that the quality of life in adjacent residential areas are not adversely affected.

The Zoning Ordinance is also currently def to auto lots with outdoor display under 1 acre, where as this new proposed ordinance addresses all of these as a Special Use Approval by the Planning Commission that would also need a Determination of Compliance with Wellhead Protection from the Public Works Official, regardless of lot size.

Section 1-007 of the Zoning Ordinance defines these uses as:

Light equipment rental establishments. A rental establishment in which light machinery and equipment, those required for household, yard, and vehicle maintenance, repair, and renovation, are kept for short-term rent, lease or hire under agreement for compensation.

Vehicle Dealer Establishments. A commercial establishment engaging in a vehicle dealer activity located in specified vehicle display/storage areas on the same zoning lot that is properly licensed by the State of Michigan and defined as follows:

*With us there are no
boundaries*

New Vehicle Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class A to buy and sell new vehicles under a franchise agreement or contract with the manufacturer of the new vehicle.

Used Vehicle Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class B to buy and sell used vehicles, and shall be construed to mean the same as “used car lot”, as defined in Public Act 232 of 1937 (MCL 445.501).

Vehicle Broker Dealer Establishment. A vehicle dealer establishment licensed by the State of Michigan as Class D where the licensed firm brings a buyer and seller together, negotiates the terms of a transaction, or where permitted by this Zoning Ordinance displays a vehicle offered for sale.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Zoning Ordinance amendment at the regularly scheduled meeting on January 24, 2023 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission’s favorable recommendation at the January 24, 2023 regular meeting for this Zoning Ordinance amendment, should the Board want to consider adopting the requested Zoning Ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the February 27, 2023 meeting. However, if the Board does not want to adopt the requested Zoning Ordinance amendment, the appropriate motion would be to not introduce the Ordinance and deny the amendment.

Should you have any questions prior to Monday’s meeting please do not hesitate to reach out to me.

SECTION 3-706. C-4, EXTENSIVE BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-4 Extensive Business Zoning District:

3-706.1. Purpose and Intent. The C-4 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 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, by permitting commercial uses that require intensive use of the land on zoning lots located with access along major arterial streets, are properly scaled and designed for major arterial street oriented and open air businesses, and contain substantial land area for safe vehicular accessibility, off-street parking, and product display. This zoning district is intended to utilize extensive planning and site development design to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas are not adversely affected.

3-706.2. 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.

3-706.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the C-4 district:

- A. Retail establishments, including such establishments with outdoor sales display areas.
- B. Commercial service establishments.
- C. Restaurant establishments without drive-thru facilities.
- D. Entertainment establishments.
- E. Cultural facilities.
- F. Institutional facilities.
- G. Religious facilities.
- H. Child day care centers.
- I. Recreational facilities conducted completely within a building approved for the use.
- J. Drop-off dry cleaning establishments.
- K. Medical establishments.
- L. Office establishments.
- M. Conference facilities.
- N. Convention centers.
- O. Entertainment rental and rent-to-own establishments.
- P. Hotels and motels.
- Q. Antique stores, used book shops, consignment shops, and thrift shops.
- R. Funeral home establishments.
- S. Veterinary establishments.

~~T. Light equipment rental establishments, new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments conducted entirely within the principal building with no outdoor display or storage.~~

~~U.T.~~ Vehicle lease or rental agencies including such uses with outdoor vehicle inventory storage.

~~V.U.~~ Precious metal and gem dealers.

~~W.V.~~ Public utility facilities, public utility buildings, and public utility hardware.

~~X.W.~~ Licensed medical marijuana provisioning centers that comply with the applicable regulations in Section 2-604.

~~Y.X.~~ Electric Vehicle Charging Stations

~~Z.Y.~~ Outfitters.

3-706.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses in the C-4 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:

- A. Landscaping maintenance establishments provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building.
- B. Local dry-cleaning establishments.
- C. Commercial dry cleaning establishments.
- D. ~~Minor vehicle service facilities and general vehicle service facilities On zoning lots with a net lot area exceeding one (1) acre:~~
 - (1) ~~Light equipment rental establishments, with outdoor display and storage.~~
 - (2) ~~New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments, with outdoor display and storage.~~

3-706.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-4 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. Recreation facilities containing both indoor and outdoor facilities.
- B. Commercial storage establishments, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
- C. Flea markets in conformance with Section 2-602.
- D. Outdoor storage as an accessory use for the uses listed in Sections 3-706.3.A and 3-706.3.B, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
- E. Adult entertainment uses conformance with Section 2-601 and Section 2-602.
- F. Pawnshops and second-hand dealers in conformance with Section 2-602.
- G. Massage Establishments and massage schools conformance with Section 2-602.
- H. Elder care facilities
- I. Halfway houses
- J. Home display courts
- K. The following uses shall be considered for special approval, provided that the proposed use and site plan receives 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 by the Planning Commission under this Section:
 - (1) Commercial fueling establishments.
 - (2) Propane filling facilities as an ancillary use for permitted uses identified in Sections 3-706.3.A, 3-706.3.B, and 3-706.3.W.
 - (3) Major vehicle repair facilities
 - (4) Fueling facilities as an ancillary use for permitted uses identified in Sections 3-706.3.Q, 3-706.3.U, and 3-706.3.W.
 - (5) Major vehicle repair facilities and outdoor storage of materials and equipment as accessory uses to a public utility building, providing that all outdoor storage areas are located in a rear yard, which may include yard area that may also be a side yard of a corner lot. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a higher intensity use zoning district under DIVISION 3-8 as well as additional screening and barriers.
 - (6) Light equipment rental establishments, with outdoor display and storage.
 - (7) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments, with outdoor display and storage.
- L. Kennel.
- M. Medium-scale wind energy systems, provided that if special approval is granted all MWES components shall be inspected and approved by the Building Official in accordance with Section 4-016.
- N. Restaurant establishments with drive-thru facilities.

3-706.6. Transient Uses. Subject to review in accordance with Section 4-012 and in conjunction with receiving a license in accordance with the **Waterford Code of Ordinances, Transient Merchants**, transient uses may be conducted upon zoning lots in the C-4 zoning district.

3-706.7. Planned Unit Developments.

- A. Subject to review and approval in accordance with Section 4-005, planned unit developments are permitted on a zoning lot or group of abutting zoning lots having a size of up to ten (10) acres of buildable area, for mixed uses that incorporate one or more of the uses listed in Section 3-706.3 with one or more of the uses listed in Section 3-706.4, Section 3-706.5, Section 3-404.3.A, and/or dwelling units located above commercial uses.

- B. Subject to review and approval in accordance with Section 4-005, planned unit developments are permitted on a zoning lot or group of abutting zoning lots having a size of ten (10) acres or more of buildable area, for mixed uses that incorporate one or more of the uses listed in Section 3-706.3 with one or more of the uses listed in Section 3-706.4, Section 3-706.5, Section 3-404.3.A, Section 3-404.3.B, Section 3-404.4.B, Section 3-503.3.D, Section 3-805.3.A, dwelling units located above commercial uses, and/or other uses as recommended by the Planning Commission and approved by the Township Board.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2023-Z-005

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Business Zoning District C-4 to require car dealerships to receive Special Approval and to clarify the permitted principal uses after Wellhead Protection Compliance.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-706.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-4 Extensive Business District shall be modified to remove car dealer establishments from permitted principal uses to read as follows:

3-706.3. Permitted Principal Uses. The following uses shall be permitted as uses in the C-4 district:

- A. Retail establishments, including such establishments with outdoor sales display areas.
- B. Commercial service establishments.
- C. Restaurant establishments without drive-thru facilities.
- D. Entertainment establishments.
- E. Cultural facilities.
- F. Institutional facilities.
- G. Religious facilities.
- H. Child day care centers.
- I. Recreational facilities conducted completely within a building approved for the use.
- J. Drop-off dry cleaning establishments.
- K. Medical establishments.
- L. Office establishments.
- M. Conference facilities.
- N. Convention centers.
- O. Entertainment rental and rent-to-own establishments.
- P. Hotels and motels.
- Q. Antique stores, used book shops, consignment shops, and thrift shops.
- R. Funeral home establishments.
- S. Veterinary establishments.
- T. Vehicle lease or rental agencies, including such uses with outdoor vehicle inventory storage.
- U. Precious metal and gem dealers.
- V. Public utility facilities, public utility buildings, and public utility hardware.
- W. Licensed medical marijuana provisioning centers that comply with the applicable regulations in Section 2-604.
- X. Electric Vehicle Charging Stations

Y. Outfitters

Section 2 of Ordinance

Section 3-706.4 of the Waterford Township Zoning Ordinance that lists permitted uses after Wellhead Protection Compliance as principal permitted uses in the C-4 Extensive Business Zoning District, is amended to remove zoning lots with a net lot area exceeding one acre. Permitted principal uses in the District after Wellhead Protection Compliance shall be amended to read as follows:

3-706.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted uses in the C-4 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:

- A. Landscaping maintenance establishments provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building.
- B. Local dry-cleaning establishments.
- C. Commercial dry cleaning establishments.

Section 3 of Ordinance

Section 3-706.5 of the Waterford Township Zoning Ordinance that lists permitted uses after Special Approval in the C-4 Extensive Business Zoning District, is amended to add section O vehicle dealers that may be permitted in the District after Special Approval to read as follows: to read as follows:

3-706.5. Permitted Uses after Special Approval The following uses shall be permitted as special approval uses in the C-4 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– J (unchanged)

- K. The following uses shall be considered for special approval, provided that the proposed use and site plan receives 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 by the Planning Commission under this Section:
 - (1) Commercial fueling establishments.
 - (2) Propane filling facilities as an ancillary use for permitted uses identified in Sections 3-706.3.A, 3-706.3. 3-706.3.B, and 3-706.3.W.
 - (3) Major vehicle repair facilities

- (4) Fueling facilities as an ancillary use for permitted uses identified in Sections 3-706.3.Q, 3-706.3.U, and 3-706.3.W.
- (5) Major vehicle repair facilities and outdoor storage of materials and equipment as accessory uses to a public utility building, providing that all outdoor storage areas are located in a rear yard, which may include yard area that may also be a side yard of a corner lot. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a higher intensity use zoning district under DIVISION 3-8 as well as additional screening and barriers.
- (6) Light equipment rental establishments, with outdoor display and storage.
- (7) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments, with outdoor display and storage.

Section 3 of Ordinance

The effective date of this Ordinance shall be on the 8th 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 February 23, 2023.

Date

Kimberly Markee, Township Clerk