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**DEVELOPMENT SERVICES
DEPARTMENT**

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

Dave Hills
Superintendent of Building
Division

MEMORANDUM

Date: January 19, 2023
To: Planning Commission
From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning
RE: Text Amendment: Vehicle Service Facilities in the C-2, and C-3 Zoning District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment removes minor vehicle service facilities as a Permitted Principal Use and adds it to the list of Permitted Uses after Special Approval within the C-2 Small Business District. This proposed Zoning Ordinance Text Amendment also removes minor and general vehicle service facilities as a Permitted Principal Use and adds it to the list of Permitted Uses after Special Approval within the C-3 General Business District.

This would establish the Planning Commission as the review and approval authority for all Vehicle Service Facilities within the C-2 Small Business District and C-3 General 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 vehicle service facilities in the C-2 Small Business District or C-3 General 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.

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

Vehicle Repair Facilities. Vehicle repair facilities shall be defined in accordance with the following classification of the intensity and scope of the repairs provided:

General Vehicle Repair Facility. A vehicle repair facility where minor vehicle services, as well as vehicle repairs such as brake, transmission, fuel and exhaust system repairs and parts installation, engine reconditioning, and undercoating, rustproofing, and vehicle customized detailing when conducted in completely enclosed application booths are provided.

Minor Vehicle Service Facility. A vehicle repair facility where incidental replacement of parts and routine vehicle service and maintenance such as fluid changes, greasing and lubrication, engine and fuel system tuneups, brake and transmission adjustments, wheel alignments and balancing, tire replacement, and similar maintenance procedures are provided.

Should you have any Questions, please do not hesitate to reach out to this office.

**With us there are no
boundaries**

**MOTION TEMPLATE FOR PLANNING COMMISSION CASE NO. 23-01-01,
Proposed ZONING ORDINANCE AMENDMENT, by amending SECTION 3-
704. C-2, SMALL BUSINESS DISTRICT and SECTION 3-705. C-3 GENERAL
BUSINESS DISTRICT**

Motion

I move to forward a **favorable / unfavorable [Strike One]** recommendation in Case No. 23-01-01 on to the Township Board, to amend the Zoning Ordinance for the Small Business District and General Business District on the findings and conclusions under the Ordinance approval recommendation guidelines which are based on assessment of the information and statements presented in this case by the Township Staff, and members of the public.

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. Child day care centers (*See Child Day Care Facilities in Section 1-007*). (Effective 12/6/2022)
- D. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- E. Professional medical care offices (*See Medical Establishments in Section 1-007*).
- F. Office establishments (*See Office Establishments in Section 1-007*).
- G. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (*See Restaurant Establishments in Section 1-007*) without drive-thru facilities. (Amended 11/30/2021)
- H. Entertainment rental establishments (*See Rental Establishments in Section 1-007*).
- I. Used book shops (*See Resale Establishments in Section 1-007*).
- J. Neighborhood public utility facilities (*See Public Utility in Section 1-007*) and public utility hardware (*See Public Utility in Section 1-007*).
- K. 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 *Division 2-8* 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. (Amended 7/5/2022)
- L. Licensed medical marijuana provisioning centers that comply with the applicable regulations in *Section 2-604*. (*See MEDICAL MARIHUANA USES AND DEFINED TERMS in Section 1-007*).
- M. Outfitters (*See Outfitters 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*.~~

A. RESERVED

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 8/4/2020)
- 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 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 9/27/2021)
- D. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (*See **Restaurant Establishments in Section 1-007***) with drive-thru facilities. (Amended 11/30/2021)
- E. 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) Minor vehicle service facilities (See **Vehicle Repair Facilities in Section 1-007**)

SECTION 3-705. C-3, GENERAL BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-3 General Business Zoning District:

3-705.1. Purpose and Intent. The C-3 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 the development of a broad range of general commercial uses on zoning lots properly scaled and designed to serve broad areas of the Township. This zoning district is intended to limit the intensity of commercial development through the height and usable floor area restrictions specified within ***Section 3-900*** and ***3-901***, and ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected. To ensure effective vehicular and pedestrian accessibility, this zoning district shall be primarily located with access along major arterial streets, and may be located with access along minor arterial streets where the zoning lot and use are properly scaled. This zoning district may serve as a transitional zone between light industrial or extensive business zoning districts and existing single-family residential zoning districts.

3-705.2. 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***.

3-705.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the C-3 district:

- A. Convenience stores, department stores, drug stores, limited merchandise stores, merchandise display stores, specialty retail stores, and supermarket establishments (*See Retail Establishments in Section 1-007*) without outdoor sales display areas.
- B. Shopping centers (*See Retail Establishments in Section 1-007*) without outdoor sales display areas.
- C. Animal grooming establishments, banquet and food preparation 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*).
- D. Child day care centers (*See Child Day Care Facilities in Section 1-007*). (Effective 12/6/2022)
- E. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- F. Professional medical care offices and medical clinics (*See Medical Establishments in Section 1-007*).
- G. Office establishments (*See Office Establishments in Section 1-007*).
- H. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) without outdoor dining patios or drive-thru facilities. (Amended 11/30/2021)
- I. Entertainment rental establishments and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
- J. Entertainment activity centers and theaters (*See Entertainment Establishments in Section 1-007*).
- K. Hotels and motels (*See Hotel And Motel in Section 1-007*).
- L. Fitness centers and health/recreation facilities (*See Recreational Facilities in Section 1-007*).
- M. Antique stores, used book shops, consignment shops, and thrift shops (*See Resale Establishments in Section 1-007*).
- N. Veterinary clinics (*See Veterinary Establishments in Section 1-007*). A veterinary clinic may include customary pens or cages which are permitted only within the clinic building and limited to overnight observation and shall only be incidental to such clinic use.
- O. Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).
- P. Precious metal and gem dealers (*See Section 1-006*) in conformance with ***Section 2-602***.
- Q. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
- R. Licensed medical marijuana provisioning centers that comply with the applicable regulations in ***Section 2-604***. (*See MEDICAL MARIHUANA USES AND DEFINED TERMS in Section 1-007*).
- S. Electric Vehicle Charging Stations (*See Electric Vehicle Charging Stations in Section 1-007*). (Effective 5/4/2021)
- T. Outfitters (*See Outfitters in Section 1-007*). (Effective 8/17/2021)

3-705.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses in the C-3 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 (*See Commercial Service Establishments in Section 1-007*).
- B. Local dry-cleaning and commercial dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- ~~C. Minor vehicle service facilities and general vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).~~

3-705.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-3 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. Cultural facilities (*See Cultural Establishments in Section 1-007*).
- B. Institutional facilities (*See Institutional Facilities in Section 1-007*).
- C. Religious facilities (*See Religious Facilities in Section 1-007*).
- D. Hospitals (*See Medical Establishments in Section 1-007*).
- E. Elder care facilities (*See Elder Care Facilities in Section 1-007*). (Effective 3/2/2021)
- F. Vehicle (car) wash establishments (*See Commercial Service Establishments in Section 1-007*).
- G. Veterinary hospitals (*See Veterinary Establishments in Section 1-007*). A veterinary hospital may include customary pens or cages as an accessory use on the zoning lot, provided that they are an identified part of an approved site plan.
- H. Vehicle lease or rental agencies (*See Vehicle Lease Or Rental Agency in Section 1-007*). An approved site plan for a vehicle rental agency office shall incorporate plan details for all zoning lots utilized for outdoor vehicle inventory storage, and provide and maintain current information on all storage locations of its inventory, ensuring that zoning lots shall not exceed Zoning Ordinance requirements for inventory storage.
- I. The uses permitted under **Sections 3-705.3.A** and **3-705.3.B** with outdoor sales display areas (*See Use in Section 1-007*).
- J. 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.
- K. Pawnshops and second-hand dealers (*See Section 1-006*) in conformance with **Section 2-602**.
- L. Substance abuse care centers and transitional medical care facilities (*See Medical Establishments in Section 1-007*).
- M. Sport recreation facilities, golf driving ranges, and skateboard parks (*See Recreational Facilities in Section 1-007*).
- N. Competitive commercial adventure game facilities (*See Entertainment Establishments in Section 1-007*).
- O. Massage schools (*See Section 1-006*) in conformance with **Section 2-602**.
- P. Commercial storage establishments (*See Commercial Storage Establishments in Section 1-007*), 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.
- Q. Light equipment rental establishments (*See Rental Establishments in Section 1-007*) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*) conducted entirely within the principal building with no outdoor display or storage.
- R. Kennel (*See Kennel in Section 1-007*). (Effective 5/4/2021)
- S. 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) On zoning lots with a net lot area exceeding one (1) acre, light equipment rental establishments (*See Rental Establishments in Section 1-007*) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*) with outdoor display or storage.
 - (2) Commercial fueling establishments (*See Commercial Fueling Establishments in Section 1-007*).

Article III - Zoning Districts

**Division 3-7 - Commercial Zoning Districts
Section 3-705 - C-3, General Business District**

- (3) Propane filling facilities as an ancillary use (*See Use in Section 1-007*) for permitted uses identified in *Sections 3-705.3.A and 3-705.3.B*.
- (4) Minor vehicle service facilities, general vehicle service facilities, and ~~M~~major vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).
- T. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with drive-thru facilities. (Amended 11/30/2021)

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2023-Z-006

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Business Zoning District C-2 and C-3 Business Districts to require vehicle service facilities to receive Special Approval.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-704.4 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-2 Small Business District after Wellhead Protection Compliance shall be modified to remove car dealer establishments from permitted uses after Wellhead Protection Compliance to read as follows:

3-704.4. Permitted Uses after Wellhead Protection Compliance.

- A. Reserved.

Section 2 of Ordinance

Section 3-704.5 of the Waterford Township Zoning Ordinance that lists permitted uses after Special Use Approval shall be amended to add Section E to read as follows:

3-704.5. Permitted Uses after Special Use Approval. The following uses shall be permitted as special approval uses in the C-2 district, subject to 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 8/4/2020)
- 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 operation, additional screening and fencing, service area accessibility, waste material containers and disposal of water materials, effective pedestrian circulation, seating capacity, additional required parking and future review to ensure conformance with such stipulation and the performance standards established in this Zoning Ordinance. (Effective 9/27/2021).

- D. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See **Restaurant Establishments** in **Section 1-007**) with drive-thru facilities. (Amended 11/20/2021).
- E. 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) Minor vehicle service facilities (See **Vehicle Repair Facilities** in **Section 1-007**)

Section 3 of Ordinance

Section 3-705.4 of the Waterford Township Zoning Ordinance that lists permitted uses after Wellhead Protection Committee Approval in the C-3 Business Zoning District, is amended to remove minor vehicle service and general vehicle service facilities as a permitted use after Wellhead Protection Compliance to read as follows:

3-705.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses in the C-3 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 procedure in accordance with **Section 4-004**:

- A. Landscaping maintenance establishments (See **Commercial Service Establishments** in **Section 1-007**).
- B. Local dry-cleaning and commercial dry cleaning establishments (See **Dry-Cleaning Establishments** in **Section 1-007**).

Section 4 of Ordinance

Section 3-705.5 of the Waterford Township Zoning Ordinance that lists permitted uses after Special Approval in the C-3 Business Zoning District, is amended to add and new section S (4) for minor vehicle service and general vehicle service and major vehicle service facilities as permitted uses after Special Approval to read as follows:

3-705.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-3 district, subject to the review and approval of the use in accordance with **Section 4-006** and any condition hereinafter imposed for each such use:

A- R (unchanged)

S. 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 Ordinance** prior to consideration by the Planning Commission under this Section.

(1) On zoning lots with a net lot area exceeding one (1) acre, light equipment rental establishments (See **Rental Establishments in Section 1-007**) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments **Vehicle Dealer Establishments in Section 1-007**) with outdoor display or storage.

(2) Commercial fueling establishments (See **Commercial Fueling Establishments in Section 1-007**).

(3) Propane filling facilities as an ancillary use (See **Use in Section 1-007**) for permitted used identified in **Sections 3-705.3.A** and **3-705.3.B**.

(4) Minor vehicle service facilities, general vehicle service facilities, and major vehicle service facilities (See **Vehicle Repair Facilities in Section 1-007**) with drive-thru facilities.

T. (unchanged)

Section 5 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 27, 2023.

Date

Kimberly Markee, Township Clerk