

SECTION 2-403. CLEAR VISION AREAS

It shall be unlawful for any person to allow any plant material or any other item or materials which screens visibility in such areas requiring clear vision for traffic, such as on a curve, at the corner of any street intersection, or at any driveway intersection. Trees shall be permitted where all branches are not less than eight (8) feet above the street level. Such unobstructed street and driveway intersections shall be calculated by mapping a triangle formed by measuring along each right-of-way, from their point of intersection, a distance of twenty-five (25) feet and drawing a straight line between these two points. In the case of a driveway intersection for any land use, the required twenty-five (25) feet sides of the triangles are taken from the points where each side of the drives cross the right-of-way line. In cases of nonconforming building setback lines, the triangle shall be mapped for the total distance less than the twenty-five (25) feet (*Please also refer to Figure VII-58 through Figure VII-61 on Pages VII-31 and VII-32 in ARTICLE VII*). The minimum clear vision area may be increased by the Planning Commission during the applicable review process if the Planning Commission finds that topography or other physical site characteristics increase the visibility risks.

SECTION 2-404. NONMOTORIZED PATHWAYS

Nonmotorized pathways shall be provided as an integral part of all developments so as to permit safe and convenient pedestrian access throughout the development, particularly along its street system; the Planning Commission may waive this requirement for any area of the development where it finds that the establishment of nonmotorized pathway will increase safety risks, does not enhance accessibility to other areas of the development, or motorized and nonmotorized traffic can safely share a segment of the street system due to the lack of through-traffic. All zoning lots adjacent to a street identified in the Community Nonmotorized Pathway Master Plan shall be required to construct nonmotorized pathway linkages along the abutting street right-of-way as a condition of approval for a final site plan; the Planning Commission may waive this requirement if it finds that the scope of the development, combined with a limited through-traffic pattern, would allow nonmotorized traffic to safely share the street system. All nonmotorized pathways shall be constructed in conformance with the Township Engineering Standards.

SECTION 2-405. OFF-STREET PARKING AND LOADING REQUIREMENTS

Off-street parking areas shall be governed by the following (*Please also refer to Figure VII-68 through Figure VII-72 on pages VII-37 through VII-39 for graphic examples of these requirements*): (Amended 7/5/2022)

- A. The minimum number of off-street parking spaces, in conjunction with all building and uses hereafter erected, altered, or extended after the effective date of this Zoning Ordinance, shall be provided in accordance with the schedule contained within **Division 2-4** and shall not be encroached upon or reduced in capacity so long as the main building use remains, unless an equivalent number of spaces are provided in conformance with this Zoning Ordinance or are landbanked in accordance with **Section 2-408**.
- B. Off-street parking areas and parking structures shall be dimensioned and designed in accordance with the Township Engineering Standards to provide for safe accessibility and vehicle maneuverability, effective drainage of stormwater, and orderly placement and separation of parking spaces, loading spaces, access lanes, nonmotorized pathways, and vehicle stacking lanes. Off-street parking areas shall be constructed and maintained in accordance with the approved final site plan.
- C. RESERVED.
- D. Uses for which off-street loading facilities are required by this Zoning Ordinance shall provide and maintain loading spaces separate from required parking spaces in the number and location required by **Division 2-4** and dimensioned in accordance with the Township Engineering Standards.
- E. Off-street parking areas shall be landscaped in accordance with **Division 2-8** to provide effective buffering between the parking area and adjacent lower intensity land uses.
- F. ~~Off-street parking areas shall be designed to conform to Section 2-409.4. Off-street parking areas shall contain a minimum of twenty-four (24) feet wide access aisles and parking spaces twenty (20) feet in length and ten (10) feet in width.~~
- G. In off-street parking areas, bumper stops, curbing or wheel chocks shall be provided in conjunction with any parking space (paved or unpaved) a minimum distance of five (5) feet from any required fence, wall or other screening, or any adjacent building which is constructed on the property line in order to prevent any vehicle from damaging or encroaching upon such required screening or adjacent buildings. Either concrete or asphalt may be used with specifications and plans approved by the Township Engineer.
- H. All off-street parking areas and adjacent landscape areas shall be maintained and kept free from weeds, rubbish, refuse and debris.

SECTION 2-406. PARKING AREA STACKING LANES

Parking area stacking lanes shall be governed by the following:

SECTION 2-409. PARKING AND LOADING (Effective 7/5/2022)

2-409.1. Off-Street Parking Requirements. In all districts space for off-street parking of self-propelled motor vehicles used by occupants, employees, and/or patrons of building and uses hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed. All required off-street parking areas along with the prescribed number of spaces shall not be encroached upon so long as the main building use remains, unless an equivalent number of spaces are provided elsewhere in conformance with this Ordinance. Off-street parking existing at the effective date of this Ordinance shall not be reduced in size or number of spaces less than that required under this ordinance for any existing building or use which it serves. Loading space as required in SECTION 2601 shall not be construed as supplying offstreet parking space. The amount of required off-street parking space shall be stated on application for a building permit to build a new building or use or enlarge an existing one.

2-409.2. Parking Area Paving Requirement. All parking and loading areas, including all access aisles and vehicular use areas, shall be suitably graded and drained, and paved with concrete or asphalt prior to the issuance of an occupancy permit.

2-409.3. Collective Parking Provision. Nothing in this Ordinance shall be construed to prevent collective off-street parking facilities for two or more buildings or uses. However, such facilities shall not provide parking for less than the sum of the requirements for the various individual buildings or uses when computed separately in accordance with the schedule in this Article.

2-409.4. Parking Space Standards, Layouts, and Construction. Off-street parking areas shall be laid out, constructed, and maintained in accordance with the following standards and regulations:

- A. No parking area shall be constructed unless and until site plan approval in accordance with *Section 4-004* has been granted.
- B. All spaces shall provide adequate access by means of aisles. Backing directly onto a street shall be prohibited.
- C. Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required wall, fence or buffer strips or upon any building adjacent to the parking lot.
- D. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements. [See Figure VII-68 through Figure VII-72 for graphic examples of parking area layouts:](#)

OFF STREET PARKING LOT LAYOUT					
PARKING PATTERN ANGLE	PARKING			TOTAL WIDTH OF ONE TIER OF PARKING PLUS AISLE <small>(in feet)</small>	TOTAL WIDTH OF TWO TIERS OF PARKING PLUS AISLE <small>(in feet)</small>
	SPACE WIDTH <small>(in feet)</small>	SPACE LENGTH <small>(in feet)</small>	AISLE WIDTH (IN FEET)		
0 (parallel)	8	21'	12' one-way 22' two-way	20' one-way 30' two-way	28' one-way 38' two-way
45	9	18'	14' one-way 22' two-way	33' one-way 41' two-way	52' one-way 60' two-way
60	9	18'	18' one-way 22' two-way	38' one-way 42' two-way	58' one-way 62' two-way
90	9	18'	22'	40'	58'

2-604.3. Medical Marihuana Primary Caregivers.

- A. A single medical marihuana primary caregiver may engage in the medical use of marihuana in the caregiver's residence dwelling as an accessory use if in compliance with all of the standards for a Home Occupation as defined in **Section 1-007**, and all of the following regulations for a medical marihuana primary caregiver:
- (1) Is in a detached single-family dwelling or a stand-alone mobile home dwelling.
 - (2) Is the only primary caregiver use of that dwelling.
 - (3) Has received and is in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the **Waterford Charter Township Code** and certificates of zoning approval and occupancy for such use under this Ordinance
 - (4) Is inspected by the Township Fire Department and determined to be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in Sections 2-201 and 2-202 of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the Waterford Charter Township Code.
 - (5) Equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in Sections 2-204 and 2-205 of this Ordinance.
- B. Up to six (6) medical marihuana primary caregivers may engage in the medical use of marihuana on a zoning lot in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts after wellhead protection compliance, as provided in **Sections 3-806.4.J, 3-807.4.J, and 3-709.3.D.(6)** of this Ordinance if the following regulations are complied with:
- (1) All caregiver use, operations, and storage shall be in a fully enclosed building.
 - (2) Each caregiver's use area must be visibly identified and marked and be physically separated by walls or floors/ceilings from other caregiver use areas, with no doors, windows, or other openings between caregiver use areas.
 - (3) Each caregiver's use area shall be locked at all times it is not being used by the primary caregiver, who shall be the only person with the key or combination for the lock, and access to each caregiver use area shall only be by the primary caregiver and the qualifying patients of that caregiver.
 - (4) Each caregiver area shall have received and be in compliance with all required permits (including electrical, plumbing, and mechanical), inspections, and certificates under the State Construction Code Ordinance codified in Article III of Chapter 4 of the **Waterford Charter Township Code** and certificates of zoning approval and occupancy for such use under this Ordinance.
 - (5) Each caregiver area shall be inspected by the Township Fire Department and be in compliance with the fire and explosion hazard and hazardous substance storage performance standards in **Section 2-201** and **Section 2-202** of this Ordinance and the Township Fire Prevention Code Ordinance in Article II of Chapter 7 of the **Waterford Charter Township Code**.
 - (6) Each caregiver area shall be equipped with properly maintained and operational ventilation, filtration, and other equipment as necessary to comply with the air contaminants and odor performance standards in **Section 2-204** and **Section 2-205** of this Ordinance.
 - (7) An operations statement describing the life-cycle of marihuana and marihuana-infused products that will be entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage and disposal, cash handling, a business floor plan, and hours of operation shall be submitted and complied with.
 - (8) A detailed plan for the safety and security of marihuana, customers, employees, and neighboring residents, offices, or businesses shall be submitted and complied with.
 - (9) A water/wastewater plan based on the maximum number of plants allowed for the number of primary caregivers that specifies the methods to be used to ensure compliance with restrictions and limitations on discharges into the wastewater system of the Township, the quantity of water to be used, and proposed water supply and service pipes, meters, and plumbing for the facility that has been reviewed and approved by the Public Works Official shall be submitted and complied with.
 - (10) The vehicle, signs, fences, and screening and landscaping regulations in **Section 3-802**, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
 - (11) Conformity to the applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under **Section 5-003** and with **Division 2-4, and Division 2-8**~~**Section 5-004**~~.
 - (12) The MMMA (Medical Marihuana Act) and MMMA Rules.
 - (13) No smoking, inhalation, or consumption of marihuana shall take place on the premises.

- (14) No marihuana shall be visible from the exterior of the building.
- (15) Selling of any non-marihuana products is prohibited.

2-604.4. Use Regulations for all Licensed Medical Marihuana Uses. Compliance with the following use regulations is required for licensed medical marihuana growers, processors, provisioning centers, safety compliance facilities, and secure transporters to be a permitted use in the zoning districts in which they are allowed:

- A. The Township Board approved site, building, and comprehensive facility operation and security plans for the Grower’s license, which shall be submitted and considered as the site plan to be complied with.
- B. To the extent not addressed in the Township Board license approved security plan, a detailed safety and security plan for marihuana, employees, and others at the premises, and for neighboring residents, offices, and businesses must be submitted as a site plan document, and upon approval be complied with.
- C. To the extent not addressed in the Township Board license approved facility operation plan, an operations statement that describes the life-cycle of marihuana and marihuana-infused products entering, stored on, grown, dried, and leaving the site, how deliveries are handled, methods of storage, cash handling, a business floor plan, hours of operation, and other operational information shall be submitted as a site plan document, and upon approval be complied with.
- D. To the extent not addressed in the Township Board license approved facility operation plan, a water/wastewater statement that describes the expected volume of water used and any on-site wastewater treatment permits required for wastewater disposal and the expected volume of wastewater based on the maximum number of plants allowed in that facility’s grower class shall be submitted as a site plan document and upon approval be complied with.
- E. The Medical Marihuana Township License and the standards, terms, and conditions of that license under Section 10-306 of the **Waterford Charter Township Code**.
- F. The vehicle, signs, fences, and screening and landscaping regulations in **Section 3-802**, with temporary and portable signs prohibited and Planning Commission enhancements, reductions, or waivers of screening and landscaping requirements not allowed.
- G. The applicable provisions of the Engineering Standards and Site Planning and Landscape Design Standards established under **Section 5-003** and with **Division 2-4**, and **Division 2-8**~~**Section 5-004**~~.
- H. All use, operations, and storage shall be in a fully enclosed building, with no marihuana to be visible from outside the building.
- I. The smoking, inhalation, and consumption of marihuana on the premises is prohibited.
- J. The retail sale of marihuana and other products on the premises is prohibited with the exception of provisioning centers where the retail sale of medical marihuana or paraphernalia for the administration of medical marihuana to medical marihuana qualifying patients is allowed.
- K. The Medical Marihuana State License and the MMFLA, MMFLA Rules, and Tracking Act.

2-604.5. Licensed Medical Marihuana Growers. Licensed medical marihuana growers are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in **Sections 3-806.4.I, 3-807.4.I, and 3-709.3.D(5)** of this Ordinance if the use regulations in subsection 4 are complied with.

2-604.6. Licensed Medical Marihuana Processors. Licensed medical marihuana processors are permitted on zoning lots in the M-1, Light Industrial, M-2, General Industrial, and Summit Place Overlay Districts as provided in **Sections 3-806.4.I, 3-807.4.I, and 3-709.3.D(5)** of this Ordinance if the use regulations in subsection 4 are complied with.

2-604.7. Licensed Medical Marihuana Provisioning Centers. Licensed medical marihuana provisioning centers are permitted on zoning lots in the C-2, Small Business, C-3, General Business, C-4, Extensive Business, and Summit Place Overlay Districts as provided in **Sections 3-704.3.K, 3-705.3.Q, 3-706.3.W, and 3-709.3** of this Ordinance if the use regulations in subsection 4 and the following regulations are complied with:

- A. Restricted access areas that are not open to the public must be must clearly marked and enforced.
- B. Drive through provisioning centers are prohibited.
- C. No free marihuana, medical marihuana, paraphernalia, or other products shall be offered or distributed at or by the provisioning center.

2-802.6. Suggested Trees and Shrubs for Greenbelt Areas and Interior Landscape Areas.

Amur Maple	Japanese Tree Lilac	Evonymus	Littleleaf Linden
Sweetgum	Scotch Pine	Eastern Ninebark	Honeylocust
Goldenrain Tree	Border Privet	Beauty Bush	Zelkova
Hawthorns	Buckhorn	Smoke Tree	Serbian Spruce
European Linden	Henry St. Johnswort	Cottoneaster	Bristly Locust
European Hornbeam	Junipers	Snowdrift Crabapple	Mockorange
White Ash (seedless)	Gingko	Hedge Maple	Hardy Rubber Tree
Scarlet Oak	Mugo Pine	Dwarf Callery Pear	Bayberry

2-802.7. Recommended Salt Resistant Trees and Shrubs.

Pinus Nigra	Tamarix	Hibiscus
Honey Locust	Sweetgum	Adnorra Juniper

2-802.8. Recommended Trees and Shrubs for Shady Areas.

Euvonymus	Crownvetch	Amelanchier
Mountain Laurel	Dogwoods	Arborviteas
Mabonia Aquifolium	Honey Locust	Alpine Currant
Cottoneasters	Viburnum	

2-802.9. Parking Area Landscaping Requirements

- A. A minimum twenty (20) foot wide greenbelt as designed and regulated in *Section 2-802.1.D* shall be located between any off-street parking areas or vehicular use areas and any adjacent public right-of-way excluding alleys.
- B. Parking interior landscaping shall be provided in parking areas in accordance with the following requirements:
 - (1) Any off-street parking areas containing ten (10) or more parking spaces shall have within the parking area interior landscaping according to the following schedule: Use Parking Interior Landscaping Per Parking Space (in sq. ft.) Commercial/Office 20 Residential (Multiple) 15 Industrial 10

<u>Use</u>	<u>Parking Interior Landscaping Per Parking Space (in Sq. ft.)</u>
<u>Commercial/Office</u>	<u>20</u>
<u>Residential/Multiple</u>	<u>15</u>
<u>Industrial</u>	<u>10</u>

- (2) Each separate landscaped area shall be no less than ninety (90) square feet and shall have a minimum dimension of at least five (5) feet. No more than three (3) landscaped units of ninety (90) square feet may be combined in plans designed to meet the minimum requirements.
- (3) Bumper stops, curbing or wheel chocks shall be provided in conjunction with any driveway, parking aisle or parking space (paved or unpaved) a minimum distance of five (5) feet from any required fence, wall or other screening, or any adjacent building which is constructed on the property line in order to prevent any vehicle from damaging or encroaching upon such required screening or adjacent buildings. Either concrete or asphalt may be used with specifications and plans approved by the Township Engineer.
- (4) All parking interior landscaping shall conform to the following requirements:
 - (A) One (1) twelve (12) foot high, two (2) inch caliper deciduous tree shall be required for every one hundred (100) square feet or fraction thereof of required parking interior landscaping area.
 - (B) The parking interior landscaping area shall be curbed and shall contain grass, ground cover, four (4) inch deep wood chips, or four (4) inch deep crushed stone.

Article V - Administration and Enforcement

5-001.6. Building Official. The Building Official is authorized and empowered as follows:

- A. To administer and enforce the requirements of the **Waterford Code of Ordinances, Buildings and Building Regulations.**
- B. To issue all certificates of occupancy and temporary certificates of occupancy, and make and maintain records thereof.
- C. To conduct inspections of buildings and structures to ensure compliance with the terms and procedures of this Zoning Ordinance.
- D. To keep and maintain official record of all Township building permits and certificates of occupancy.
- E. To assist in providing public information relative to this Zoning Ordinance.
- F. Shall not make changes to or vary the terms of this Zoning Ordinance in carrying out their duties.

5-001.7. Public Works Official. The Public Works Official is authorized and empowered as follows:

- A. To administer and enforce the requirements of the **Waterford Code of Ordinances, Water and Sewers.**
- B. To work jointly with the Zoning Official and Township Engineer to review and regulate uses to ensure compliance with the wellhead protection zones as required by the **Waterford Code of Ordinances, Wellhead Protection.**

5-001.8. Fire Chief. The Fire Chief is responsible for administering and enforcing the requirements of the **Waterford Code of Ordinances, Fire Prevention and Protection.**

5-001.9. Police Chief. The Police Chief shall work jointly with the Zoning Official and Township Engineer to review uses to ensure that public safety standards are provided for during plan review procedures.

SECTION 5-002. SCHEDULE OF FEES, CHARGES AND EXPENSES

By resolution, the Township Board shall establish a schedule of fees, charges, and expenses for all procedures established under this Zoning Ordinance. The schedule of fees shall be posted in the office of the Zoning Official, Building Official, Township Engineer, and Township Clerk, and may be altered or amended by resolution of the Township Board. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application, petition or appeal.

SECTION 5-003. SCHEDULE OF ENGINEERING STANDARDS

The Township Board shall establish by resolution a schedule of engineering standards, upon the advice and recommendation of the Township Engineer. This schedule of engineering standards shall be applied to and enforced upon all developments and land uses governed by this Zoning Ordinance. Copies of the schedule of engineering standards shall be available at the office of the Township Engineer. The schedule of engineering standards may be altered or amended at any time by resolution of the Township Board and upon the advice and recommendation of the Township Engineer.

~~Section 5-004. SITE PLANNING AND LANDSCAPE DESIGN STANDARDS MANUAL~~

~~The Township Board shall establish by resolution an **SPL Manual**, upon the advice and recommendation of the Planning Commission. This **SPL Manual** shall be applied to and enforced upon all developments and land uses where specified by this Zoning Ordinance. The **SPL Manual** shall be posted in the office of the Zoning Official and may be altered or amended by resolution of the Township Board.~~