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**DEVELOPMENT SERVICES
DEPARTMENT**

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MEMORANDUM

Date: October 29, 2021

To: Planning Commission

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

RE: 2021-Z-17

Proposed Zoning Ordinance Text Amendment: Restaurant Establishments with
Drive-thru Service Facilities
C-1, Neighborhood Business District
C-2, Small Business District
C-3, General Business District
C-4, Extensive Business District
C-UL, Union Lake Business District
O-1, Local Office
O-2, General Office.

This proposed Zoning Ordinance Text Amendment removes restaurant establishments with drive-thru service facilities as a Permitted Principal Use in the Zoning Ordinance and adds it to the list of Permitted Uses after Special Approval within the C-1, Neighborhood Business District; C-2, Small Business District; C-3, General Business District; C-4, Extensive Business District; and C-UL, Union Lake Business District. No adjustments are being proposed within the C-UB, Commercial Urban Business District, as the district does not allow for any restaurant establishments with drive-thru service facilities.

This would establish the Planning Commission as the review and approval authority for restaurant establishments with drive-thru service facilities in accordance with Section 4-006 of the Zoning Ordinance. Modifying restaurant establishments with drive-thru service facilities to be a Permitted Uses after Special Approval ensures that the public be notified and that effective site development practices are established.

After some consideration, Planning Staff has made the decision to recommend this ordinance amendment due to the intensive nature that drive-thru services may impose on neighboring properties and conflicting land uses. This amendment works to ensure that the quality of life in adjacent residential areas are not adversely affected as well as the business practices of adjacent commercial operations.

Additionally, while highly unlikely, this ordinance proposes a minor change to the Office Zoning Districts by making it clear that a restaurant establishment, that is accessory to an office use, may not have a drive-thru service facility.

Section 1-007 of the Zoning Ordinance defines Drive-Thru Service facilities as:

DRIVE-THRU SERVICE. A service provided by an establishment where the zoning lot upon which the establishment is located is designed to provide a vehicle approach lane for conducting business at a service window or via a two-way speaker on a menu-order structure.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Rezoning at the regularly scheduled meeting on October 26, 2021 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the October 26, 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 November 23, 2021 meeting.

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

| If such building or structure is: | Then the maximum height is: |
|--|-----------------------------|
| No closer than ten (10) feet and no greater than twenty (20) feet from side and rear lot lines | Seventeen (17) feet |
| No closer than twenty (20) feet from side and rear lot lines | Twenty-five (25) feet |

(7) All accessory buildings and accessory structures creating an impervious surface, as determined by the Building Official, shall be included as part of the total impervious surface area used to determine the maximum impervious surface for the zoning lot.

B. Off-street parking areas in accordance with **Section 2-405**.

C. The following uses may be permitted in conjunction with office uses within a building for the primary benefit of the employees when such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the principal building or complex on the same zoning lot:

- (1) Personal service establishments (See **Commercial Service Establishments in Section 1-007**).
- (2) Personal grooming establishments (See **Commercial Service Establishments in Section 1-007**).
- (3) Drop-off dry cleaning establishments (See **Dry-Cleaning Establishments in Section 1-007**).
- (4) Restaurant establishments (See **Restaurant Establishments in Section 1-007**) without drive-thru facilities.
- (5) Entertainment activity centers (See **Entertainment Establishments in Section 1-007**).
- (6) Fitness centers (See **Recreational Facilities in Section 1-007**).
- (7) Child nursery care facilities (See **Child Day Care Facilities in Section 1-007**).
- (8) Electric Vehicle Charging Stations (See **Electric Vehicle Charging Stations in Section 1-007**). (Effective 5/4/2021)

D. Exterior appliances (See **Exterior Appliance in Section 1-007**).

E. Financial transaction stations (See **Financial Transaction Station Section 1-007**).

F. Dispenser box apparatus (See **Dispenser Box Apparatus in Section 1-007**).

G. Special events when permitted in accordance with **Section 4-013**.

H. Nonpermanent structures when used in conjunction with a permitted special event.

I. Commercial satellite dish structures and antenna support structures.

J. Ornamental structures and pole structures used exclusively as flagpoles, provided that they shall comply with all setback restrictions of the zoning district in which they are located and they do not exceed the height limitations of **Section 2-103**.

K. Temporary construction buildings, as authorized for the timeframe specified in writing by the Building Official in accordance with **Section 4-014**.

L. Temporary storage, when conducted in conjunction with a development project approved in accordance with either **Section 4-004, 4-005, 4-006, 4-010, or 4-011**, and as authorized for the timeframe specified in writing by the Building Official.

M. Solar energy systems and small-scale wind energy systems (See **Alternative Energy System in Section 1-007**) approved in accordance with **Section 4-016**.

N. Neighborhood public utility facilities (See **Public Utility in Section 1-007**) and public utility hardware (See **Public Utility in Section 1-007**).

O. 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.

P. Outdoor dining patios, provided that all components have been inspected and approved by the Building Official.

Q. Drive-thru service facilities (See **Drive-Thru Service in Section 1-007**) that are not in conjunction with restaurant establishments, provided establishment of such service facilities on a zoning lot governed by an approved site plan shall require site plan approval in accordance with **Section 4-004.1**. Approval of drive-thru service facilities in any zoning district established under this Division shall be contingent upon the subject zoning lot maintaining effective pedestrian and vehicular circulation, required parking, and required setbacks and landscaping after installation of such service facilities.

SECTION 3-703. C-1, NEIGHBORHOOD BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-1 Neighborhood Business Zoning District:

3-703.1. Purpose and Intent. The C-1 zoning district is intended to implement the goals of the Local 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 Goal Seven, *To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity*, and Master Plan Objective 7-2, *Plan and Encourage Development of Neighborhood Nodes*, as described in Chapter 9 of the Master Plan by permitting business uses designed for the convenience of persons residing in adjacent residential neighborhoods, such as personal service and personal grooming establishments, storefront retail uses, and neighborhood shopping centers that are designed in scale with the character of the surrounding residential neighborhood, do not generate large volumes of vehicular traffic, encourage pedestrian traffic, provide buildings in landscaped settings with off-street parking areas, operate only during generally accepted normal business hours, and promote the viability of neighborhood nodes. 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**. This zoning district shall be primarily located along minor arterial streets and collector streets near residential neighborhoods to ensure effective vehicular and pedestrian accessibility and minimize the impact of nonresidential uses on adjacent residential neighborhoods. The C-1 zoning district shall be coordinated and balanced with the O-1, Local Office District within neighborhood nodes to ensure complementary land uses and minimize the effect of competitive economic pressures, such as the location of the same permitted use on each of the four (4) corners of a neighborhood node that can jeopardize the viability of a neighborhood node.

3-703.2. 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**.

3-703.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the C-1 district:

- A. Convenience stores, limited merchandise stores, and specialty retail stores (See **Retail Establishments in Section 1-007**).
- B. Animal grooming establishments, commercial school establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, and personal service 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. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See **Restaurant Establishments in Section 007**) with no drive-thru facilities.
- G. Entertainment rental establishments (See **Rental Establishments in Section 1-007**).
- H. Fitness centers (See **Recreational Facilities in Section 1-007**).
- I. Used book shops (See **Resale Establishments in Section 1-007**).
- J. Neighborhood public utility facilities, public utility hardware, and area public utility facilities (See **Public Utility in Section 1-007**).
- K. Outfitters (See **Recreational Facilities in Section 1-007**). (Effective 8/17/2021)

4-703.4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-1 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. Outdoor dining patios (See **Structure in Section 1-007**) 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 that such use does not violate the performance standards established in this Zoning Ordinance.
- B. 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.
- C. Electric Vehicle Charging Stations (See **Electric Vehicle Charging Stations in Section 1-007**). (Effective 5/4/2021)
- D. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See **Restaurant Establishments in Section 1-007**) with drive-thru service facilities.

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*) with no drive-thru facilities.
- 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)

4-704.4. 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)
- D. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See *Restaurant Establishments* in *Section 1-007*) with drive-thru facilities.

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. Drop-off dry cleaning establishments (See **Dry-Cleaning Establishments** in **Section 1-007**).
- E. Professional medical care offices and medical clinics (See **Medical Establishments** in **Section 1-007**).
- F. Office establishments (See **Office Establishments** in **Section 1-007**).
- G. Restaurant establishments (See **Restaurant Establishments** in **Section 1-007**) without outdoor dining patios or **drive-thru facilities**.
- H. Entertainment rental establishments and rent-to-own establishments (See **Rental Establishments** in **Section 1-007**).
- I. Entertainment activity centers and theaters (See **Entertainment Establishments** in **Section 1-007**).
- J. Hotels and motels (See **Hotel And Motel** in **Section 1-007**).
- K. Fitness centers and health/recreation facilities (See **Recreational Facilities** in **Section 1-007**).
- L. Antique stores, used book shops, consignment shops, and thrift shops (See **Resale Establishments** in **Section 1-007**).
- M. 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.
- N. Funeral home establishments (See **Funeral Home Establishments** in **Section 1-007**).
- O. Precious metal and gem dealers (See **Section 1-006**) in conformance with Section 2-602.
- P. Public utility facilities and public utility hardware (See **Public Utility** in **Section 1-007**).
- Q. 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**).
- R. Electric Vehicle Charging Stations (See **Electric Vehicle Charging Stations** in **Section 1-007**). (Effective 5/4/2021)
- S. Outfitters (See **Recreational Facilities** in **Section 1-007**). (Effective 8/17/2021)

4-705.4. 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**).
 - (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) 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.

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 (*See Retail Establishments in Section 1-007*), including such establishments with outdoor sales display areas.
- B. Commercial service establishments (*See Commercial Service Establishments in Section 1-007*).
- C. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with no drive-thru facilities.
- D. Entertainment establishments (*See Entertainment Establishments in Section 1-007*).
- E. Cultural facilities (*See Cultural Establishments in Section 1-007*).
- F. Institutional facilities (*See Institutional Facilities in Section 1-007*).
- G. Religious facilities (*See Religious Facilities in Section 1-007*).
- H. Recreational facilities conducted completely within a building approved for the use (*See Recreational Facilities in Section 1-007*).
- I. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- J. Medical establishments (*See Medical Establishments in Section 1-007*).
- K. Office establishments (*See Office Establishments in Section 1-007*).
- L. Conference facilities (*See Conference Facilities in Section 1-007*).
- M. Convention centers (*See Convention Center in Section 1-007*).
- N. Entertainment rental and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
- O. Hotels and motels (*See Hotel And Motel in Section 1-007*).
- P. Antique stores, used book shops, consignment shops, and thrift shops (*See Resale Establishments in Section 1-007*).
- Q. Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).
- R. Veterinary establishments (*See Veterinary Establishments in Section 1-007*).
- S. 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.
- T. Vehicle lease or rental agencies (*See Vehicle Lease Or Rental Agency in Section 1-007*), including such uses with outdoor vehicle inventory storage.
- U. Precious metal and gem dealers (*See Section 1-006*) in conformance with *Section 2-602*.
- V. Public utility facilities, public utility buildings, and public utility hardware (*See Public Utility in Section 1-007*).
- W. 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*).
- X. Electric Vehicle Charging Stations (*See Electric Vehicle Charging Stations in Section 1-007*). (Effective 5/4/2021)
- Y. Outfitters (*See Recreational Facilities in Section 1-007*). (Effective 8/17/2021)

4-706.4. 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 (*See Commercial Service 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.

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- B. Local dry-cleaning establishments (See **Dry-Cleaning Establishments in Section 1-007**).
- C. Commercial dry cleaning establishments (See **Dry-Cleaning Establishments in Section 1-007**).
- D. Minor vehicle service facilities and general vehicle service facilities (See **Vehicle Repair Facilities in Section 1-007**).
- E. On zoning lots with a net lot area exceeding one (1) acre:
 - (1) Light equipment rental establishments (See **Rental Establishments in Section 1-007**), with outdoor display and storage.
 - (2) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (See **Vehicle Dealer Establishments in Section 1-007**), 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 (See **Recreational Facilities in Section 1-007**) containing both indoor and outdoor facilities.
- B. 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.
- C. Flea markets (See **Resale Establishments in Section 1-007**) 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 (See **Adult Entertainment Use in Section 1-007**) in conformance with **Section 2-601** and **Section 2-602**.
- F. Pawnshops and second-hand dealers (See **Section 1-006**) in conformance with **Section 2-602**.
- G. Massage Establishments and massage schools (See **Section 1-006**) in conformance with **Section 2-602**.
- H. Elder care facilities (See **Elder Care Facilities in Section 1-007**). (Effective 3/2/2021)
- I. Halfway houses (See **Halfway House in Section 1-007**).
- J. Home display courts (See **Home Display Court in Section 1-007**).
- 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 (See **Commercial Fueling Establishments in Section 1-007**).
 - (2) Propane filling facilities as an ancillary use (See **Use in Section 1-007**) for permitted uses identified in **Sections 3-706.3.A, 3-706.3.3-706.3.B, and 3-706.3.V**.
 - (3) Major vehicle repair facilities (See **Vehicle Repair Facilities in Section 1-007**).
 - (4) Fueling facilities as an ancillary use (See **Use in Section 1-007**) for permitted uses identified in **Sections 3-706.3.P, 3-706.3.T, and 3-706.3.V**.
 - (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.
- L. Kennel (See **Kennel in Section 1-007**). (Effective 5/4/2021)
- M. Medium-scale wind energy systems (See **Alternative Energy System in Section 1-007**), 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 (See **Restaurant Establishments in Section 1-007**) 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 (See **Use in Section 1-007**) may be conducted upon zoning lots in the C-4 zoning district.

3-706.7. Planned Unit Developments. (Effective 11/03/2012)

- 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.

Article III, Division 3-7**Section 3-706 - C-4, Extensive Business District**

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.

SECTION 3-708. C-UL, UNION LAKE BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-UL Union Lake Business Zoning District:

3-708.1. Purpose and Intent. The C-UL 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 Goal Four, *To Create an Economic Climate Conducive to the Attraction, Retention, and Expansion of Business within Waterford*, Objective 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, and Goal Seven, *To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity*, by permitting a mixture of commercial and office land uses on zoning lots properly scaled and designed to enhance and improve the local business corridor characteristics contained within the Union Lake Business District, which lies within four distinct municipalities (being Waterford, West Bloomfield, Commerce, and White Lake Townships) with an emphasis on the following: streetscape aesthetics and walkability; clusters of free-standing retail shops, restaurants, and offices; a linear landscape pattern along Cooley Lake Road; improved nonmotorized pathways and traffic calming; and coordinated street furniture throughout the zoning district. This zoning district shall be located specifically along Cooley Lake Road between Williams Lake Road and Lochaven Road as depicted on the Master Plan.

3-708.2. 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**.

3-708.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the C-UL district:

- A. Retail establishments (*See Retail Establishments in Section 1-007*) contained within the principal building and with no outdoor display.
- B. 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, and personal service establishments (*See Commercial Service Establishments in Section 1-007*).
- C. Cultural facilities (*See Cultural Establishments in Section 1-007*).
- D. Institutional facilities (*See Institutional Facilities in Section 1-007*).
- E. Religious facilities (*See Religious Facilities in Section 1-007*).
- F. Child day care centers (*See Child Day Care Facilities in Section 1-007*).
- G. Drop-off dry cleaning and local dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- H. Professional medical care offices and medical clinics (*See Medical Establishments in Section 1-007*).
- I. Office establishments (*See Office Establishments in Section 1-007*).
- J. Restaurant establishments (*See Restaurant Establishments in Section 1-007*), with outdoor dining patio services and with no drive-thru facilities.
- K. Entertainment rental establishments and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
- L. Entertainment activity centers and theaters (*See Entertainment Establishments in Section 1-007*).
- M. Fitness centers and health/recreation facilities (*See Recreational Facilities in Section 1-007*).
- N. Antique stores, used book shops, consignment shops, thrift shops (*See Resale Establishments in Section 1-007*).
- O. 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.
- 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. Outfitters (*See Recreational Facilities in Section 1-007*). (Effective 8/17/2021)

4-708.4. Permitted Uses after Wellhead Protection Compliance. Minor vehicle service facilities and general service facilities (*See Vehicle Repair Facilities in Section 1-007*) shall be permitted as principal permitted uses in the C-UL 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**.

3-708.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-

UL 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. Vehicle (car) wash establishments (*See Commercial Service Establishments in Section 1-007*).
- B. Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).

- C. Veterinary hospitals (*See Veterinary Establishments in Section 1-007*). A veterinary hospital may include customary pens or cages as an accessory use, provided that they are an identified part of an approved site plan.
- D. Retail establishments (*See Retail Establishments in Section 1-007*) with outdoor sales display areas.
- E. Landscaping maintenance establishments (*See Commercial Service Establishments in Section 1-007*).
- F. Commercial fueling establishments (*See Commercial Fueling Establishments in Section 1-007*).
- G. Electric Vehicle Charging Stations (*See Electric Vehicle Charging Stations in Section 1-007*). (Effective 5/4/2021)
- H. Restaurant establishments (*See Restaurant Establishments in Section 1-007*), with outdoor dining patio services and with drive-thru facilities.

3-708.6. Planned Unit Developments. Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in *Section 3-708.3* with one or more of the uses listed in *Section 3-708.4*, *Section 3-404.3.A*, and/or dwelling units located above commercial uses, subject to the review and approval of the development in accordance with *Section 4-005*, are permitted.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. _____

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Office Zoning Districts, C-1, C-2, C-3, C-4, and C-UL District to require special approval for drive-thru facilities as part of a restaurant establishment.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-602.2 of the Waterford Township Zoning Ordinance that lists permitted secondary uses in the Office Zoning Districts, is amended to clarify in section C that restaurant establishments may be permitted in conjunction with office uses, if they do not have drive-thru establishments, to read as follows:

3-602.2. Accessory Buildings, Accessory Structures, and Accessory Uses. The following uses may be permitted in conjunction with office uses in Office districts in the Office Zoning district:

C.(4) Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) without drive-thru facilities.

Section 2 of Ordinance

Section 3-602.2 of the Waterford Township Zoning Ordinance that lists permitted secondary uses in the Office Zoning Districts, is amended to clarify in section Q that Drive-thru service facilities that are not in conjunction with Restaurant establishments, may be permitted in conjunction with office uses, subject to requirements, to read as follows:

3-602.2. Accessory Buildings, Accessory Structures, and Accessory Uses. The following uses shall be permitted as secondary uses in conjunction with office uses in office districts in the Office Zoning district:

Q. Drive-thru facilities (See [Drive-Thru Service in Section 1-007](#)) that are not in conjunction with restaurant establishments, provided establishment of such service facilities on a zoning lot governed by an approved site plan shall require site plan approval in accordance with Section [4-004.1](#). Approval of drive-thru service facilities in any zoning district established under this Division shall be contingent upon the subject zoning lot maintaining effective pedestrian and vehicular circulation, required parking, and required setbacks and landscaping after installation of such service facilities.

Section 3 of Ordinance

Section 3-703.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-1 Neighborhood Business District, is amended to clarify that Carryout restaurants and fast food delicatessen/sandwich shop restaurants are permitted uses if they are without drive-thru facilities, to read as follows:

3-703.3. Permitted Principal Uses. The following uses shall be permitted as principal uses in the C-1 district:

F. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See [Restaurant Establishments in Section 1-007](#)) without drive-thru facilities.

Section 4 of Ordinance

Section 3-703.4 of the Waterford Township Zoning Ordinance that lists permitted as special approval uses in the C-1, Neighborhood District, is amended to add a new subsection D to read as follows:

3-703.4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-1 district:

D. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See [Restaurant Establishments in Section 1-007](#)) with drive-thru facilities.

Section 5 of Ordinance

Section 3-704.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-2 Small Business District, is amended to clarify in section F that Restaurant establishments are permitted uses if they do not have drive-thru facilities, to read as follows:

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

F. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See [Restaurant Establishments in Section 1-007](#)) without drive-thru facilities.

Section 6 of Ordinance

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

3-704.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-2 district:

D. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) with drive-thru facilities.

Section 7 of Ordinance

Section 3-705.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-3 General Business District, is amended to clarify that Restaurant Establishments without drive thru-facilities are permitted principal uses, to read as follows:

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

G. Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) without outdoor dining patios or drive-thru facilities.

Section 8 of Ordinance

Section 3-705.5 of the Waterford Township Zoning Ordinance that lists permitted uses as special approval uses in the C-3 General Business District, is amended to add a new subsection T 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:

T. Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) with drive-thru facilities.

Section 9 of Ordinance

Section 3-706.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-4 Extensive Business District, is amended to clarify Restaurant Establishments without drive thru-facilities are permitted principal uses to read as follows:

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

C. Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) without drive-thru facilities.

Section 10 of Ordinance

Section 3-706.5 of the Waterford Township Zoning Ordinance that lists permitted uses as special approval uses in the C-4 Extensive Business District, is amended to add a new subsection N to read as follows:

3-706.5. Permitted Principal Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-4 district:

T. Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) with drive-thru facilities.

Section 11 of Ordinance

Section 3-708.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-UL Union Lake Business District, is amended to clarify Restaurant Establishments without drive thru-facilities are permitted principal uses to read as follows:

3-708.3. Permitted Principal Uses. The following uses shall be permitted as principal uses in the C-UL district:

J. Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) with outdoor dining patio services and without drive-thru facilities.

Section 12 of Ordinance

Section 3-708.3 of the Waterford Township Zoning Ordinance that lists permitted uses as special approval uses in the C-UL Union Lake Business District, is amended to add a new subsection H to read as follows:

3-708.5. Permitted Principal Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-UL district:

H. Restaurant establishment (See [Restaurant Establishments in Section 1-007](#)) with outdoor dining patio services and with drive-thru facilities.

Section 13 of Ordinance

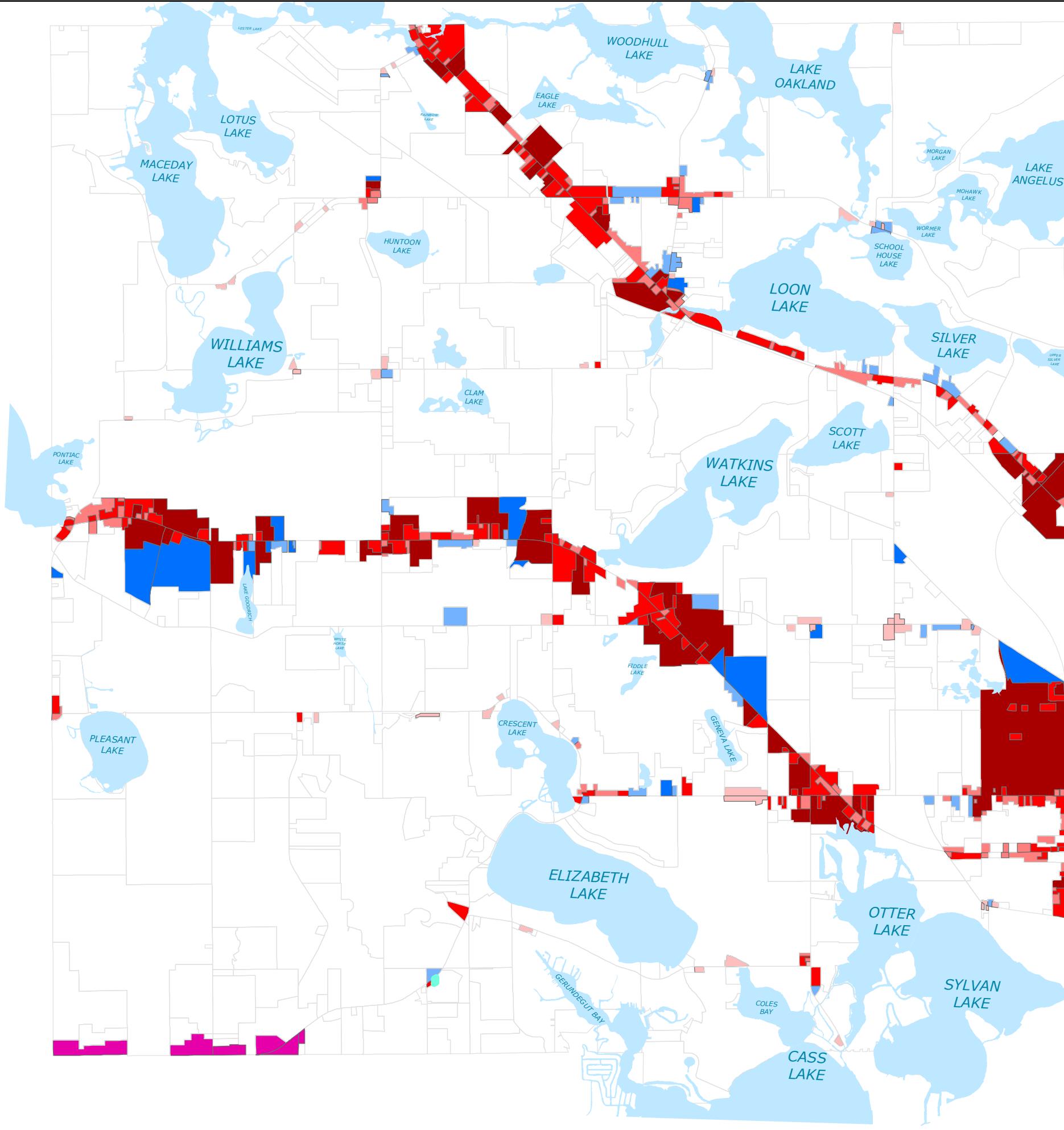
The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

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 _____, 2021.

Date

Kimberly Markee, Township Clerk



WATERFORD TOWNSHIP

Waterford
Development Services



Proposed Zoning Ordinance Text Amendment

Restaurant Establishments with Drive-thru Service Facilities

- C-1, Neighborhood Business District
- C-2, Small Business District
- C-3, General Business District
- C-4, Extensive Business District
- C-UL, Union Lake Business District
- O-1, Local Office
- O-2, General Office

Legend

- All Other Zoning Districts
- C-1, NEIGHBORHOOD BUSINESS
- C-2, SMALL BUSINESS
- C-3, GENERAL BUSINESS
- C-4, EXTENSIVE BUSINESS
- C-UL, UNION LAKE BUSINESS
- O-1, LOCAL OFFICE
- O-2, GENERAL OFFICE
- Lakes

Charter Township of Waterford
Development Services Department
Planning and Zoning Division

Drawn By: J. Polkowski
October 21, 2021