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**DEVELOPMENT SERVICES
DEPARTMENT**

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

Dave Hills
Superintendent of Building
Division

MEMORANDUM

Date: March 4, 2022
To: Honorable Township Board Members
From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning
RE: Item# 2022-Z-004
Proposed Zoning Ordinance Text Amendment
C-UB, Urban Business
C-UL, Union Lake Business

This proposed Zoning Ordinance Text Amendment allows for the establishment of 'Lofts,' which are mixed-use residential developments in the C-UB and C-UL zoning districts. Please note that this only allows for the establishment of residential on the second floor of the C-UB and C-UL zoning districts as to not disrupt the precious resource that is commercial space with immediate pedestrian and automobile accessibility.

With the adoption of the Waterford Township 135-A Zoning Ordinance in February of 2010, these two zoning districts were established with the intention of creating an economic climate conducive to the attraction, retention, and expansion of business within Waterford, improve the physical appearance and functional character of the commercial corridors, and to retain, enhance, and promote Waterford's unique character, sense of community, and identity, by permitting a mixture of commercial, office, and residential land uses on zoning lots properly scaled and designed to enhance and improve the traditional urban neighborhood characteristics contained within these zoning districts. Ultimately, these goals have not yet been realized due to a lack of regular zoning ordinance amendments to allow for such uses that have been described in both the Zoning Ordinance and the Master Plan. This amendment seeks to correct this by, for the first time, allowing mixed-use residential uses in two commercially zoned districts within the Township.

This ordinance also seeks to reduce the spread of multi-family developments within historically single-family residential zoning districts by making these highly sought after developments easier to build where they are more desired by those who wish to rent in Waterford Township, allowing for rentals that enabling pedestrian mobility, providing a sense of place

**With us there are no
boundaries**

Additionally, this ordinance amendments also satisfies two Redevelopment Ready Communities RRC certification Best Practices

1. Concentrated Development

Allowing for areas of context-sensitive concentrated development provides myriad benefits including enabling pedestrian mobility, providing a sense of place, generating fiscal stability for communities, and leveraging existing infrastructure. The ordinance allows mixed-use buildings by-right in designated areas of concentrated development.

2. Housing Diversity

Having an ordinance which clearly allows for diverse housing types creates unique neighborhoods, provides lifestyle options for residents of all ages and income levels, helps attract talent, and provides flexibility for meeting market demand.

The proposed definition for a Loft is:

DWELLING, LOFT. A dwelling containing one (1) or more dwelling units on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Zoning Ordinance amendment at the regularly scheduled meeting on February 22, 2022 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the February 22, 2022 regular meeting for this Zoning Ordinance amendment, should the Board want to consider adopting the requested Zoning Ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the March 28, 2022 meeting. However, if the Board does not want to adopt the requested Zoning Ordinance amendment, the appropriate motion would be to not introduce the Ordinance and deny the amendment.

I have attached a map identifying all affected properties. Staff will be available at Monday's meeting for any questions on this case. However, if you have any questions in advance of the meeting, please contact this office.

- B. It complies in all respects with the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, and Water and Sewers** for residential construction and occupancy. Where a dwelling is required by federal or state law to possess construction standards more restrictive than those imposed by the **Waterford Code of Ordinances**, then the more restrictive standards shall apply.

DWELLING, LOFT. A dwelling containing one (1) or more dwelling units on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval.

DWELLING, MOBILE HOME. A dwelling unit designed for transportation to its foundation site, after fabrication, along streets or highways on its own wheels or on flatbed or other trailers, and arriving at the foundation site where it is to be installed in accordance with the requirements of the Michigan Administrative Code for occupancy as a dwelling. A recreational vehicle is not a mobile home dwelling.

DWELLING, MULTIPLE-FAMILY. A dwelling containing three (3) or more dwelling units with a common point of egress and ingress from the building. This definition does not include mobile home parks, hotels, or motels.

DWELLING, SINGLE-FAMILY ATTACHED. A single-family dwelling unit constructed as part of a series of single-family dwelling units, all of which are attached by common walls, and where each dwelling unit possesses an independent entrance directly to the exterior.

DWELLING, SINGLE-FAMILY DETACHED. A dwelling containing not more than one dwelling unit, or a dwelling unit and an in-law suite.

DWELLING, SINGLE-FAMILY DUPLEX. A dwelling divided by a common wall extending from the base of the foundation to the roof line into two (2) dwelling units, each of which has an independent entrance either directly to the exterior, or through a common vestibule.

DWELLING, SINGLE-FAMILY FLAT. A dwelling containing two or more stories, where a dwelling unit is established in the first story and a separate dwelling unit is established in the upper story(s), and where each unit has an independent entrance either directly to the exterior, or through a common vestibule.

DWELLING UNIT. A single unit providing complete independent living facilities, for one or more persons and limited to no more than one family, as an independent and separate housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation and which is directly accessible from the outside or through a common hall without passing through any other dwelling unit. In case of mixed use occupancy, where a building is occupied in part by a loft dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Zoning Ordinance and shall comply with the provisions, thereof, relative to dwellings.

-E-

EASEMENT. A right possessed by a person, entity, or property owner to use the land of another for a defined special or limited purpose which may be expressed in a recorded or unrecorded document, or arise by prescription, necessity or other legally recognized method of creation. For purposes of the creation of an easement required for any zoning application or variance application, the easement shall be defined as a grant by the servient tenant, in written and recordable form.

EDUCATIONAL FACILITIES. The use of a building or buildings, structure or structures, or zoning lot devoted to the provision of educational instruction by a non-commercial educational agency, licensed by the State of Michigan, such as public schools operated by the School District, a private K-12 school, or a college or university; or such management, maintenance, and operational services provided in support of educational instruction, but does not include commercial school establishments.

ELDER CARE FACILITIES. An establishment consisting of a building or group of buildings designed or used in whole or in part to provide for the housing and care of senior citizens, as defined by Public Act 453 of 1976, the Elliott-Larsen Civil Rights Act, as amended. Ancillary areas shall be considered under this Zoning Ordinance as an integral component of elder care facilities and be defined as uses and facilities which are not necessarily residential in character but are essential to the residential function of elder care facilities. Ancillary areas may include but are not limited to: public lobbies, common laundry facilities, tenant interior storage areas, management offices, mail and receiving areas, home health services, meal preparation facilities, common dining areas, maid and linen services, recreation areas, personal grooming services, grocery services, pharmacy services, and banking services. For purposes of this Zoning Ordinance, elder care facilities shall include the following types of facilities:

SECTION 3-707. C-UB, URBAN BUSINESS DISTRICT

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

3-707.1. Purpose and Intent. The C-UB zoning district is intended to implement the goals of the Urban 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, office, and residential land uses on zoning lots properly scaled and designed to enhance and improve the traditional urban neighborhood characteristics contained within this zoning district, with an emphasis on streetscape aesthetics and walkability; clusters of free-standing retail shops, restaurants, and offices; a linear landscape pattern along State Highway M-59; improved nonmotorized pathways and traffic calming; allowance for dwelling units located above commercial uses at moderate density; and coordinated street furniture throughout the district. This zoning district is intended to limit the intensity of commercial development through the height, usable floor area, and setback restrictions specified within [Section 3-900](#) and [3-901](#), and to ensure that sufficient parking is provided without conflicting with streetscape aesthetics and walkability. This zoning district shall be located specifically within, and limited to, the geographic area designated as Urban Business on the Future Land Use Maps.

3-707.2. 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](#).

3-707.3. Permitted Principal Uses. The following uses conducted completely indoors, with no outdoor service or drive-thru service facilities, shall be permitted as principal permitted uses in the C-UB 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](#)*).
- B. Shopping centers (*See [Retail Establishments](#) in [Section 1-007](#)*).
- 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. Cultural facilities (*See [Cultural Establishments](#) in [Section 1-007](#)*).
- E. Religious facilities (*See [Religious Facilities](#) in [Section 1-007](#)*).
- F. Drop-off dry cleaning establishments (*See [Dry-Cleaning Establishments](#) in [Section 1-007](#)*).
- G. Professional medical care offices and medical clinics (*See [Medical Establishments](#) in [Section 1-007](#)*).
- H. Office establishments (*See [Office Establishments](#) in [Section 1-007](#)*).
- I. Bar/lounges, brewpubs, cabaret/night clubs, cafeterias, carryout restaurants, and fast food/delicatessen/sandwich shop restaurants (*See [Restaurant Establishments](#) in [Section 1-007](#)*).
- J. Entertainment rental establishments and rent-to-own establishments (*See [Rental Establishments](#) in [Section 1-007](#)*).
- K. Entertainment activity centers and theaters (*See [Entertainment Establishments](#) in [Section 1-007](#)*).
- L. Private clubs and philanthropic institutions (*See [Institutional Facilities](#) 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, and thrift shops (*See [Resale Establishments](#) in [Section 1-007](#)*).
- O. Public utility facilities and public utility hardware (*See [Public Utility](#) in [Section 1-007](#)*).
- P. Outfitters (*See [Outfitters](#) in [Section 1-007](#)*). (Effective 8/17/2021)

Q. Lofts on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval in the C-UB, Urban Business zoning district (*See [Dwelling, Loft](#) in [Section 1-007](#)*).

3-707.4. Permitted Uses after Wellhead Protection Compliance. Local dry cleaning establishments (*See [Dry-Cleaning Establishments](#) in [Section 1-007](#)*) and minor vehicle service facilities (*See [Vehicle Repair Facilities](#) in [Section 1-007](#)*) shall be permitted as principal permitted uses in the C-UB 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](#).

3-707.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-UB 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: (Amended 8/4/20)

- A. The uses permitted under *Section 3-703.3.I* with 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 conformance with such stipulations and the performance standards established in this Zoning Ordinance.
- B. 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.
- C. Funeral home establishments (See *Funeral Home Establishments* in *Section 1-007*).
- D. Precious metal and gem dealers (See *Section 1-006*) in conformance with *Section 2-602*.
- E. Electric Vehicle Charging Stations (See *Electric Vehicle Charging Stations* in *Section 1-007*). (Effective 5/4/2021)

3-707.6. Planned Unit Developments. Planned unit developments consisting of mixed uses that incorporate one or more of the uses listed in *Section 3-707.3* with one or more of the uses listed in *Section 3-707.4*, *Section 3-707.5*, *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.

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 without drive-thru facilities (Amended 11/30/2021)
- 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 *Outfitters* in *Section 1-007*). (Effective 8/17/2021)
- S. Lofts on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval in the C-UL, Union Lake Business zoning district (See Dwelling, Loft in Section 1-007). (See Dwelling, Loft in Section 1-007).

3-708.4. 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 patios and with drive-thru facilities. (Effective 11/30/2021)

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.

DIVISION 3-9 SCHEDULE OF REGULATIONS

SECTION 3-900. TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS

(Amended effective 04/03/2019)

ZONING DISTRICT <i>(Refer to Footnote 1)</i>	MAXIMUM DWELLING UNITS PER BUILDABLE ACRES	MAXIMUM IMPERVIOUS SURFACE (In Percent) <i>(Refer to Footnote 2)</i>	MINIMUM LOT AREA AND WIDTH	
			Area (in Sq. Ft.) <i>(Refer to Footnotes 5, 6, and 8, where noted below)</i>	Width (In Ft.) <i>(Refer to Footnotes 8 where noted below)</i>
R-1 Single-Family	1	30	43,560	120
R-1A Single-Family	4	30	9,800⁸	70⁸
R-1B Single-Family	5	30	<i>Refer to Footnote 3 and 8</i>	
R-1C Single-Family	5	30	<i>Refer to Footnote 3 and 8</i>	
R-1D Duplex (Two Family)	5	30	15,000	90
R-1E Single-Family Attached	5.4	30	43,560⁶	150
R-M1 Low Density Multiple-Family	8	50	43,560⁶	150
R-M2 Multiple-Family <i>(Refer to Footnote 10 for allowances for independent living facility developments)</i>	10	50	43,560⁶	150
R-MH Mobile Home Park	6	n/a	435,600 (per park) 5,500 (per unit)	500 (per park) 50 (per unit)
O-1 Local Office	<i>n/a</i>	40	15,000	70
O-2 General Office	<i>n/a</i>	40	43,560^{5 & 6}	100
C-1 Neighborhood Business	<i>n/a</i>	50	7,500	60
C-2 Small Business	<i>n/a</i>	50	9,000	70
C-3 General Business	<i>n/a</i>	50	24,000	90
C-4 Extensive Business	<i>n/a</i>	50	87,120^{5 & 6}	150
C-UB Urban Business	n/a ¹⁵	50	43,560^{5 & 6}	100
C-UL Union Lake Business	n/a ¹⁵	50	21,780	90
PL Public Lands	<i>n/a</i>	50	<i>n/a</i>	
CR Commercial Recreation	<i>n/a</i>	50	43,560	150
A-1 Airport	<i>Shall conform to the Airport Master Plan, all federal and state aviation regulations, and all Township Engineering Standards regulating storm drainage.</i>			
HT-1 High Tech Office	<i>n/a</i>	50	21,780	100
HT-2 High Tech Industrial and Office	<i>n/a</i>	50	43,560^{5 & 6}	120
M-1 Light Industrial	<i>n/a</i>	50	43,560^{5 & 6}	150
M-2 General Industrial	<i>n/a</i>	50	130,680^{5 & 6}	150

SECTION 3-900 TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS, CONT.

ZONING DISTRICT	Maximum Height of Building		Minimum Yard Setback In Feet <i>(Refer to Footnote 4 for front setback where noted below)</i>				Minimum Floor Area Per Dwelling Unit In Sq. Ft.
	In Stories	In Feet	Front	Sides <i>(Refer to Footnote 7)</i>		Rear	
				Least One	Total of Two		
R-1 Single-Family	2	30	35 ⁴	10	20	35	1,100
R-1A Single-Family	2	30	35 ⁴	10	20	35	1,100
R-1B Single-Family	2	30	35 ⁴	5	10	35	800
R-1C Single-Family	2	30	35 ⁴	5	10	35	800
R-1D Duplex (Two Family)	2	30	35	10	20	35	800
R-1E Single-Family Attached	2	30	Refer to Footnote 8				800
R-M1 Low Density Multiple-Family	2	30	Refer to Footnote 8				Refer to Footnote 9
R-M2 Multiple-Family <i>(Refer to Footnote 10 for allowances for independent living facility developments)</i>	3	35	Refer to Footnote 8				Refer to Footnote 9
R-MH Mobile Home Park	1	15	20	10	35	10	n/a
O-1 Local Office	2	30	35	15	30	20	n/a
O-2 General Office	4	50	35	20	40	20	n/a
C-1 Neighborhood Business	1	20	25	15	30	20	n/a
C-2 Small Business	1	20	25	15	30	20	n/a
C-3 General Business	2	40	25	20	40	20	n/a
C-4 Extensive Business	2	40	30	20	40	20	n/a
C-UB Urban Business	2	40	25	15	30	20	n/a Refer to Footnote 9
C-UL Union Lake Business	2	40	25	15	30	20	n/a Refer to Footnote 9
PL Public Lands	2	40	25	20	40	20	n/a
CR Commercial Recreation	2	40	25	20	40	20	n/a
A-1 Airport	As authorized by the Airport Manager, with setbacks from all State highways and County roads compliant with M-1 requirements						n/a
HT-1 High Tech Office	2	30	25	15	30	30	n/a
HT-2 High Tech Industrial and Office	4	50	35	15	30	40	n/a
M-1 Light Industrial	2	30	40	15	40	40	n/a
M-2 General Industrial	3	40	50	20	60	50	n/a

Article III, Division 3-9

SECTION 3-901. FOOTNOTES GOVERNING ZONING LOT, AREA, AND BULK REGULATIONS

Footnote 1 - In all zoning districts a tax parcel must conform as a zoning lot to all requirements of the Schedule of Regulations for the Zoning District in which it is located before it can be developed, with the following exceptions:

- A. In the A-1, Airport District, tax parcels established by the County of Oakland as lease property within areas of a County-owned zoning lot shall possess such setbacks within tax parcels as established by the County of Oakland. If such tax parcels are established along a State highway or County road, the setbacks required by **Section 3-900** shall be required within the tax parcel.
- B. Tax parcels established within areas of a zoning lot by the Township for purposes of identifying lease property for wireless communication facilities regulated by **Section 2-600** shall not require setback requirements within the boundaries of such tax parcels.
- C. As part of a condominium development that is not a site condominium, the Planning Commission may exempt areas within individual tax parcels established as condominium units from the setback requirements of **Section 3-900** where such condominium developments conform to all other Zoning Ordinance requirements.

Footnote 2

- A. The intent of establishing a maximum impervious surface for the development of a zoning lot is:
 - (1) to ensure that each zoning lot possesses sufficient surface area to provide onsite stormwater drainage capacity that will prevent all but the most catastrophic flow of stormwater from flowing onto neighboring properties,
 - (2) to prevent an excessive total impervious surface area that would severely restrict or eliminate such onsite stormwater drainage capacity,
 - (3) to make certain that there is sufficient area on a zoning lot for the installation and maintenance of required landscaping and natural buffering, and
 - (4) to implement Master Plan Goal Six, To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment.
- B. The availability of new engineering techniques for stormwater control and green building practices may be utilized to increase the maximum impervious surface on a zoning lot after review and approval by the Township Engineer. The Township Engineer may authorize an increase in the maximum impervious surface for a zoning lot provided that such increases shall not supersede or reduce required yard setbacks, open space, and landscape buffering; and shall conform to the Township Engineering Standards and the following limitations:
 - (1) For zoning lots in the R-1 through R-1E zoning districts:
 - (A) The total impervious surface area within the required front yard of a zoning lot shall not exceed a maximum of thirty-five (35) percent of the total required front yard area.
 - (B) The impervious surface for the zoning lot shall not exceed fifty (50) percent of the lot area.
 - (2) For zoning lots in the R-M1 and R-M2 zoning districts, the impervious surface for the zoning lot shall not exceed seventy-five (75) percent of the lot area.
 - (3) For zoning lots in all nonresidential zoning districts, the impervious surface for the zoning lot shall not exceed ninety (90) percent of the lot area.

Footnote 3 - A lot of record that is part of a subdivision plat approved prior to the effective date of this Zoning Ordinance shall be considered in conformance with the lot area and lot width standards of this Zoning Ordinance when such lot of record can conform to all of the following:

- A. All buildings shall be contained within a building envelope where the front yard and rear yard setbacks are each a minimum of thirty-five (35) feet;
- B. All buildings and building appurtenances shall be contained within a building envelope where each side yard setback shall be a minimum of five (5) feet and where applicable comply with **Footnote 7.A**; and
- C. The principal building shall conform to the minimum floor area requirement for the zoning district in which the lot of record is located.

Footnote 4 - The historical development pattern of Waterford's lakefront zoning lots is diverse, where many lake shorelines were developed with deeper lakefront yard building setbacks than the minimum required by the Zoning Ordinance. Because of such diversity, establishing a uniform lakefront yard building setback may threaten the established character of lakefront neighborhoods and established open views of the lakefront. In order to protect the established character of lakefront neighborhoods, ensure compatibility with the scale of surrounding homes, and protect established open views of the lakefront, the setback from the shoreline of any building erected after the effective date of this Zoning Ordinance shall not be less than the average shoreline setback of principal buildings within two hundred (200) feet in both directions, as calculated by the Building Official, except as otherwise permitted by this Zoning Ordinance (*Please also refer to **Figure VII-66** on Page VII-2 in **ARTICLE VII***). (Amended 3/2/2021)

Article III, Division 3-9

Footnote 5 – After the effective date of this Zoning Ordinance, when a zoning lot conforming to the minimum lot area requirement is proposed to be subdivided, in accordance with the procedures established in the **Waterford Code of Ordinances**, into one or more zoning lots not conforming to the minimum lot area, the Township shall require rezoning of the resultant zoning lots to a zoning district established under the same Division as the zoning district of the parent zoning lot and where the minimum lot area of the resultant zoning lot(s) will be conforming (i.e., a 25,000 sq. ft. zoning lot in the C-3 General Business zoning district that is subdivided into resultant 10,000 sq. ft. and 15,000 sq. ft. zoning lots shall each be required to be rezoned to the C-2 Small Business zoning district).

Footnote 6 – Zoning lots established in this zoning district will not conform to this minimum lot area requirement unless the buildable area (*See **Buildable Area** in **Section 1-007***) of such zoning lots is equal to or exceeds the minimum lot area.

Footnote 7

- A. Where the side yard of a zoning lot within a zoning district abuts both a street right-of-way and the required front yard of one or more zoning lots within the same zoning district, the required setback for such side yards shall align with the required front yard setback of the abutting zoning lot(s) and conform to all regulations for required front yards.
- B. Where the side yard of a zoning lot within a nonresidential zoning district abuts both a street right-of-way and the required front yard of one or more zoning lots within a residential zoning district, building setbacks for the nonresidential zoning lot shall align with the required front yard setback of the abutting residential zoning lot(s). Fencing not to exceed a height of six (6) feet may be installed along such shared nonresidential/residential property lines to provide effective screening, provided that such fencing does not interfere with clear vision areas.

Footnote 8

- A. Buildings within developments in the R-1E, Single Family Attached, R-M1, Low Density Multiple Family, and R-M2, Multiple Family zoning districts shall possess the following minimum setback requirements:
 - (1) A minimum setback of thirty-five (35) feet shall be required between all buildings and the development exterior property lines (*Please also refer to **Figure VII-67** on Page VII-2 in **ARTICLE VII***).
 - (2) The minimum setback between any building and any common interior access drive within the development shall be twenty-five (25) feet.
 - (3) The minimum setback between any building and any off-street parking facility within the development shall be twenty-five (25) feet.
 - (4) For buildings not separated by a common interior access drive or off-street parking facility within the development:
 - (A) The minimum side-to-side distance between buildings shall be twenty (20) feet.
 - (B) The minimum side-to-rear and side-to-front distance between buildings shall be thirty-five (35) feet.
 - (C) The minimum rear-to-rear distance between buildings shall be fifty (50) feet.
 - (D) The minimum front-to-front distance between buildings shall be seventy-five (75) feet.
- B. The Planning Commission may increase these minimum setbacks for a proposed development where physical site conditions and design considerations, in the opinion of the Fire Chief, Building Official, or Township Engineer, require such increases to provide for fire safety, storm drainage, building maintenance, emergency vehicle access, nonmotorized pathways, underground utilities, or snow clearance.

Footnote 9

- A. Dwelling units within developments in the R-M1, Low Density Multiple Family and R-M2, Multiple Family zoning districts shall possess the following minimum floor area requirements:

Dwelling Unit Type	Total Floor Area (sq. ft.)
Efficiency unit	Three-hundred fifty (350)
One bedroom unit	Five-hundred-fifty (550)
Two-bedroom unit	Six-hundred-eighty (680)
Three bedroom unit	Nine-hundred (900)
Four or more bedroom unit	Nine-hundred (900) plus one-hundred-twenty (120) per bedroom above three (3)

- B. Dwelling units within developments in the C-UB, Urban Business and C-UL, Union Lake Business zoning districts shall possess the following minimum floor area requirements:

Article III, Division 3-9

<u>Dwelling Unit Type</u>	<u>Total Floor Area (sq. ft.)</u>
<u>Efficiency unit</u>	<u>Two-hundred fifty (250)</u>
<u>One bedroom unit</u>	<u>Four-hundred-fifty (450)</u>
<u>Two-bedroom unit</u>	<u>Six-hundred (600)</u>
<u>Three bedroom or more unit</u>	<u>Seven-hundred-fifty (750)</u>
<u>Four or more bedroom unit</u>	<u>Seven-hundred-fifty (750) plus one-hundred-twenty (120) per bedroom above three (3)</u>

~~B-C.~~ The length of each individual building within developments in the the C-UB, Urban Business, C-UL, Union Lake Business, R-M1, Low Density Multiple Family and R-M2, Multiple Family zoning districts shall not exceed the maximum length established by the Fire Chief and Building Official for purposes of fire safety.

Footnote 10 – For independent living facility (See *Elder Care Facilities* in *Section 1-007*) developments in the R-M2, Multiple Family zoning district, provided that all other applicable Zoning Ordinance requirements can be met, the Planning Commission may:

- A. Increase the maximum dwelling units per buildable acre for an independent living facility development up to a maximum of twenty (20) units per buildable acre; and
- B. Increase the maximum height of proposed buildings for an independent living facility development up to a maximum of six (6) stories and seventy (70) feet in height.

Footnote 11 – For dwelling unit condominiums, the minimum lot area, width, and yard setbacks and compliance with them shall be determined as provided in *Section 4-004.4.D.* (Effective 04/03/2019)

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”) Definitions, C-UB and C-UL Districts, Section 3-900 Table of Zoning Lot and Section 3-901 Footnotes Governing Zoning Lot, Area, and Bulk Regulations to allow Loft Dwellings on the second floor of buildings where the first floor is occupied for commercial purposes.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The definition of Dwelling, Loft shall be added to Section 1-007 of the Zoning Ordinance to read as follows:

DWELLING, LOFT. A dwelling containing one (1) or more dwelling units on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses after wellhead protection compliance, of permitted used after special approval.

Section 2 of Ordinance

Section 3-707.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-UB, Urban Business District, is amended to add a new subsection Q to read as follows:

3-707.3. Permitted Principal Uses. The following uses shall be permitted as principal uses in the C-UB district:

Q. Lofts on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval in the C-UB, Urban Business zoning district (See **Dwelling, Loft** in *Section 1-007*).

Section 3 of Ordinance

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

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

S. Lofts on the second floor of buildings in which the first floor is occupied by commercial uses that are permitted principal uses, permitted uses after wellhead protection compliance, or permitted uses after special approval in the C-UB, Urban Business zoning district (See **Dwelling, Loft** in *Section 1-007*).

Section 4 of Ordinance

Section 3-900 Table of Zoning Lot, Area, and Bulk Regulations of the Waterford Township Zoning Ordinance is amended to add a Maximum Dwelling Units Per Buildable Acres in the C-UB Urban Business and C-UL Union Lake Business:

DIVISION 3-9 SCHEDULE OF REGULATIONS SECTION 3-900. TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS (Amended effective 04/03/2019)

ZONING DISTRICT (Refer to <i>Footnote 1</i>)	MAXIMUM DWELLING UNITS PER BUILDABLE ACRES	MAXIMUM IMPERVIOUS SURFACE (In Percent) (Refer to <i>Footnote 2</i>)	MINIMUM LOT AREA AND WIDTH	
			Area (in Sq. Ft.) (Refer to <i>Footnotes 5, 6, and 8</i>)	Width (In Ft.) (Refer to <i>Footnotes 8</i> where noted below)
R-1 Single-	1	30	43,560	120
R-1A Single-	4	30	9,800⁸	70⁸
R-1B Single-	5	30	Refer to <i>Footnote 3 and 8</i>	
R-1C Single-	5	30	Refer to <i>Footnote 3 and 8</i>	
R-1D Duplex	5	30	15,000	90
R-1E Single-	5.4	30	43,560⁶	150
R-M1 Low	8	50	43,560⁶	150
R-M2 Multiple-Family	10	50	43,560⁶	150
R-MH Mobile Home Park	6	n/a	435,600 (per park) 5,500	500 (per park) 50 (per unit)
O-1 Local	<i>n/a</i>	40	15,000	70
O-2 General	<i>n/a</i>	40	43,560⁵	100
C-1	<i>n/a</i>	50	7,500	60
C-2 Small	<i>n/a</i>	50	9,000	70
C-3 General	<i>n/a</i>	50	24,000	90
C-4 Extensive	<i>n/a</i>	50	87,120⁵	150
C-UB Urban	15	50	43,560⁵	100
C-UL Union Lake	15	50	21,780	90
PL Public	<i>n/a</i>	50	<i>n/a</i>	
CR	<i>n/a</i>	50	43,560	150
A-1 Airport	Shall conform to the Airport Master Plan, all federal and state aviation regulations, and all Township Engineering Standards regulating			
HT-1 High Tech	<i>n/a</i>	50	21,780	100
HT-2 High Tech	<i>n/a</i>	50	43,560⁵	120
M-1 Light	<i>n/a</i>	50	43,560⁵	150
M-2 General	<i>n/a</i>	50	130,680^{5 & 6}	150

Section 5 of Ordinance

Section 3-901 of the Waterford Township Zoning Ordinance that lists Footnotes Governing Zoning Lot, Area, and Bulk Regulations, is amended in Footnote 9 to replace subsection B with a new subsection B and make the prior subsection B as a new subsection C with changes to read as follows:

Footnote 9

- A. unchanged
- B. Dwelling until within developments in the C-UB, Urban Business and C-UL, Union Lake Business zoning districts shall possess the following minimum floor area requirements:

Dwelling Unit Type	<u>Total Floor Area (sq. ft.)</u>
Efficiency unit	<u>Two-hundred fifty (250)</u>
One bedroom unit	<u>Four-hundred-fifty (450)</u>
Two-bedroom unit	<u>Six-hundred (600)</u>
Three bedroom or more unit	<u>Seven-hundred-fifty (750)</u>
Four or more bedroom unit	Seven-hundred-fifty (750) plus one-hundred-twenty
	(120) per bedroom above three (3)

- C. The length of each individual building within developments in the C-UB, Urban Business, C-UL, Union Lake Business, R-M1, Low Density Multiple Family and R-M2, Multiple Family zoning districts shall not exceed the maximum length established by the Fire Chief and Building Official for purposes of fire safety.

Section 6 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 _____, 2022.

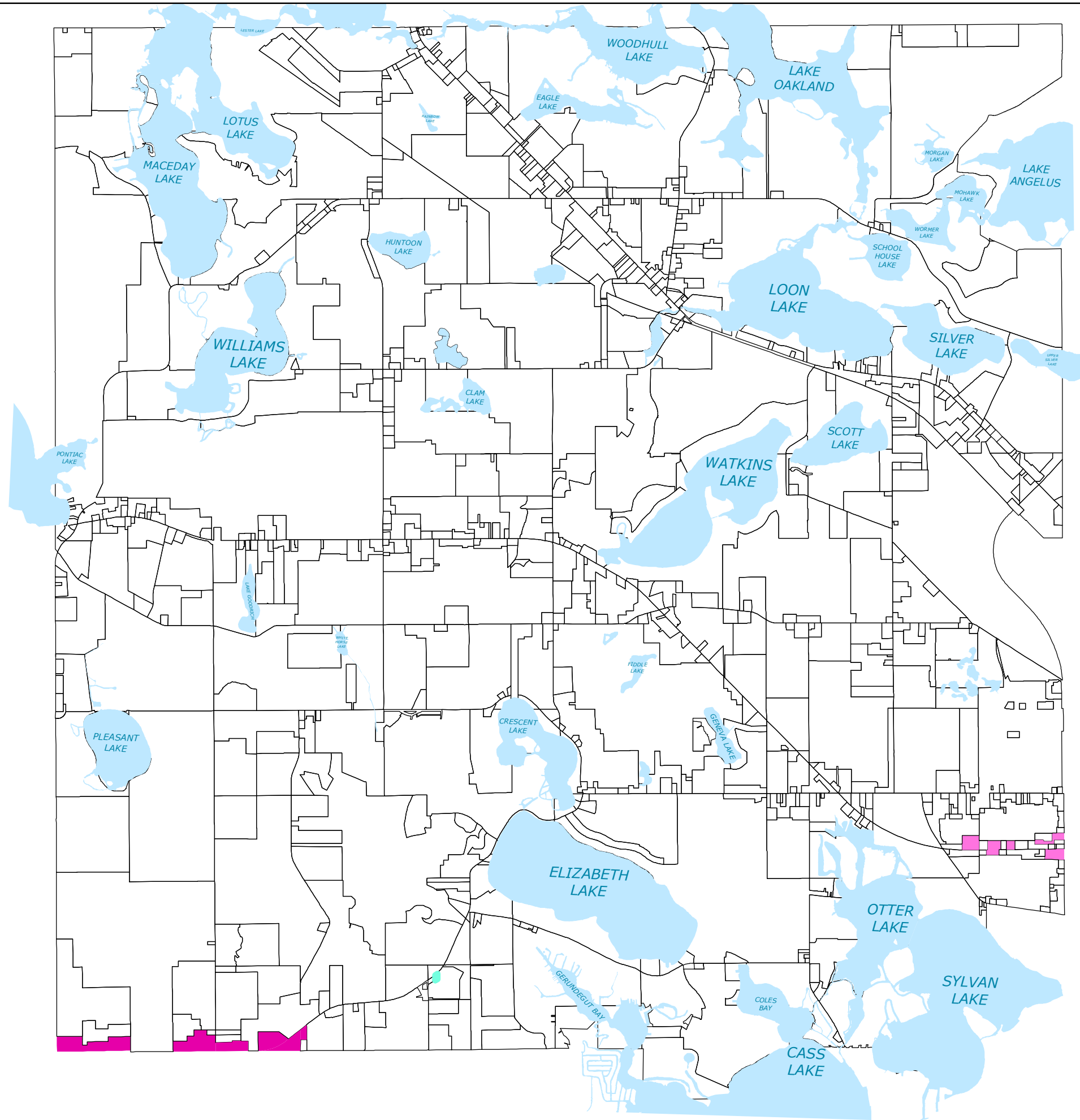
Date

Kimberly Markee, Township Clerk



Proposed Zoning Ordinance Text Amendment

Second Story Lofts
C-UL, Union Lake Business
C-UB, Urban Business



Legend

- C-UL, UNION LAKE BUSINESS
- C-UB, URBAN BUSINESS
- ALL OTHER PROPERTIES
- Lakes

Charter Township of Waterford
Development Services Department
Planning and Zoning Division

Drawn By; J. Polkowski
March 3, 2022