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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 7, 2022  
To: Planning Commission  
From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning  
RE: Item# 2022-Z-005  
Proposed Zoning Ordinance Text Amendment  
Applications and Procedures

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This proposed Zoning Ordinance Text Amendment significantly modifies the Major Site Plan review process by removing the Conceptual Plan Review step and brings the applicant right to the Preliminary Plan Review step that is administratively reviewed by planning, fire, engineering, and DPW staff.

This ordinance amendment has been proposed in order to streamline development, reduce wait time for building permits, and draw less resources on Township staff and appointed officials by reducing the need for a Planning Commission hearing on any use that is considered a Principal Permitted Use in their respective zoning districts.

The purpose of a Permitted Principal Uses is to establish uses in each zoning district that are not considered sensitive in that Zoning District. This will allow the Planning Commission to focus its resources on proposed developments that may significantly impact the quality and harmony of a community (i.e. Permitted Uses After Special Approval, Rezoning, and Zoning Ordinance Text Amendments).

Please note that this ordinance amendment does still list Major Site Plan review applications as Consent Agenda Items for the Planning Commission's review, as well as give the Zoning Official authority to bring forward a Major Site Plan Review application to the Planning Commission for review and approval.

Additionally, this ordinance amendment works to address a Redevelopment Ready Communities (RRC) certification Best Practice:

*Development Review*

*Evaluates the community's development review policies and procedures to ensure they integrate predictability throughout. Unnecessary steps or unclear instructions increase time and expenses associated with development. Community leaders should look to simplify and clarify policies and increase efficiency to create an inviting development climate that is vital to attracting investment. To do this, sound internal procedures need to be in place and followed. Making information on the development review process and*

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boundaries**

*resources readily available assists developers of all sizes and experience levels in understanding what they'll need to know as they invest in the community.*

### **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.

DEVELOPMENT REVIEW PROCEDURE		REQUIRED REVIEW COMPONENTS	SECTION	PAGE LOCATION
Site Plan Review	Change of Use Review	<ul style="list-style-type: none"> <li>• Change of Use Review</li> </ul>	<i>Section 4-004.1</i>	<b>Page IV-5</b>
	Minor Site Plan Review	<ul style="list-style-type: none"> <li>• Preliminary Plan Review</li> <li>• Final Site Plan Review</li> <li>• Construction Review</li> </ul>	<i>Section 4-004.2</i>	<b>Pages IV-6</b>
	Major Site Plan Review	<ul style="list-style-type: none"> <li>• <del>Conceptual Plan Review</del></li> <li>• Preliminary Plan Review</li> <li>• Final Site Plan Review</li> <li>• Construction Review</li> </ul>	<i>Section 4-004.3</i>	<b>Pages IV-7</b>
Planned Unit Development Review		<ul style="list-style-type: none"> <li>• Conceptual Plan Review</li> <li>• Preliminary Plan Review</li> <li>• Final Site Plan Review</li> <li>• Construction Review</li> </ul>	<i>Section 4-005</i>	<b>Page IV-12</b>
Special Approval Review		<ul style="list-style-type: none"> <li>• Change of Use Review</li> <li>• Preliminary Plan Review <i>(where required)</i></li> <li>• Final Site Plan Review <i>(where required)</i></li> <li>• Construction Review <i>(where required)</i></li> </ul>	<i>Section 4-006</i>	<b>Pages IV-16</b>
Hardship Planned Unit Development Review		<ul style="list-style-type: none"> <li>• Conceptual Plan Review</li> </ul>	<i>Section 4-007</i>	<b>Page IV-19</b>
Special Accommodation Use Review		<ul style="list-style-type: none"> <li>• Conceptual Plan Review</li> <li>• Preliminary Plan Review</li> <li>• Final Site Plan Review</li> <li>• Construction Review</li> </ul>	<i>Section 4-008</i>	<b>Page IV-22</b>
Zoning Ordinance and Map Amendment Review		n/a	<i>Section 4-009</i>	<b>Page IV-24</b>
Single-Family Residential Plot Plan Review		<ul style="list-style-type: none"> <li>• Plot Plan Review</li> </ul>	<i>Section 4-010</i>	<b>Page IV-26</b>
Single-Family Residential Accessory Building/Structure Plan Review		<ul style="list-style-type: none"> <li>• Plot Plan Review</li> </ul>	<i>Section 4-011</i>	<b>Page IV-26</b>
Transient Merchant Plan Review		<ul style="list-style-type: none"> <li>• Plot Plan Review</li> </ul>	<i>Section 4-012</i>	<b>Page IV-28</b>
Temporary Use Review		<ul style="list-style-type: none"> <li>• Plot Plan Review</li> </ul>	<i>Section 4-013</i>	<b>Page IV-29</b>
Nonpermanent Building/Structure and Storage Container Permit Review		n/a	<i>Section 4-014</i>	<b>Page IV-30</b>
Sign Construction Plan Review		<ul style="list-style-type: none"> <li>• Plot Plan Review</li> </ul>	<i>Section 4-015</i>	<b>Page IV-31</b>
Alternative Energy Plan Review		<ul style="list-style-type: none"> <li>• Plot Plan Review</li> </ul>	<i>Section 4-016</i>	<b>Page IV-32</b>
Construction Plan Review		<ul style="list-style-type: none"> <li>• Construction Review</li> </ul>	<i>Section 4-017</i>	<b>Page IV-33</b>

- (13) The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.
- (14) The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
- (15) Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

#### 4-004.3. Major Site Plan Review.

A. **Purpose and Intent.** In conjunction with **Section 4-001** through **4-003**, major site plan review and approval shall be required for all land development projects on a zoning lot in any zoning district which specifically requires site plan review and one or more of the following conditions exist:

- (1) All new commercial, office and industrial projects on zoning lots one (1) acre or larger in size.
- (2) All mobile home, multiple-family, site condominium, and other residential dwelling land development projects involving more than two dwelling units. (Note: Single-family platted subdivision projects are excluded from consideration under this Section and instead shall be reviewed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.)
- (3) All municipal, county, state, federal, and other governmental agency projects proposed in areas that are not a principal permitted use.
- (4) A review required by the Zoning Official or Township Engineer for any lot or acreage split which results in the creation of a public or private street. The review process, if required, will occur after approval of the proposed split in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**.
- (5) All wireless communication facilities that require special approval.

B. **Submission and Review Process.**

- (1) The prospective applicant(s) discusses the general elements of the proposed improvements with the Zoning Official's office staff to ensure that application is made for the proper review process. The applicant(s) may request a pre-application review meeting with the Zoning Official and Township Engineer to discuss and understand the applicability of Zoning Ordinance requirements. The Zoning Official and Township Engineer are under no obligation to provide review comments of any draft plan during this or subsequent pre-application review meetings with a prospective applicant(s).
- (2) The Zoning Official and Township Engineer may require the prospective applicant(s) to submit their application documents and fees before making such review comments.
- (3) The applicant(s) obtains major site plan review application and fee requirements from the office of the Zoning Official. All plans shall be prepared to comply with the following general plan criteria:
  - (A) The development shall be compatible with planned development patterns as expressed in the Township's adopted Master Plan, be for a use permitted or granted special approval by the Planning Commission in the zoning district, comply with all the applicable requirements of the Zoning Ordinance and the **Waterford Code of Ordinances** as reviewed and decided by the appropriate Township Officials and government agencies to ensure as practicable as possible that the use shall not result in a negative impact on the surrounding area.
  - (B) The plans shall disclose, provide for and demonstrate compliance with the use of a site harmoniously and efficiently organized in relation to surrounding uses, the performance standards listed in **ARTICLE II, DIVISION 2-2**, accessibility, pedestrian and vehicular circulation, spatial relationships, off-street parking, public utilities, stormwater management, protection of surface water and/or groundwater resources, topography, environmental characteristics, site vegetation and landscaping, screening and buffering, piling of plowed snow, provision of adequate access for emergency and public safety vehicles and equipment, exterior lighting, dumpster receptacles, exterior appliances, developmental characteristics and other site elements which may have an effect upon the public health, safety and general welfare, the Township Engineering Standards, the **SPL Manual**, and other applicable sections of this Zoning Ordinance and **Waterford Code of Ordinances** as determined by the Zoning Official, Township Engineer, or Building Official.
  - (C) The placement, size, and other features of proposed buildings, parking areas, driveways, landscaping, and other physical improvements of the site will preserve, to the extent possible, existing on-site natural features and vegetation such as trees, wooded areas, wetlands, natural groves, and terrain features, with tree and soil removal to be minimized.
  - (D) The dedication and/or restriction of open space, streets, or other lands for public, common or other designated use or purpose shall be absolute, not subject to reversion or possible future termination or modification

## Article IV - Applications and Procedures

## Section 4-004 - Site Plan Review Procedures and Requirements

without Township approval and shall be provided by an easement or other document acceptable to the Township Attorney and recorded at the Oakland County Register of Deeds prior to final site plan approval.

- (E) Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation throughout the site shall be provided.
- (F) Plans prepared for condominium developments shall also be regulated by the requirements outlined in Section 4-004.4.
- (4) The applicant(s) submits completed application forms, ~~concept-preliminary~~ plan, the conceptual review fee, and related documentation in the quantity specified by the Zoning Official.
- (5) The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
- (6) Once the conceptual review fee is paid and a complete set of application materials are received, the Zoning Official shall review the ~~concept-preliminary~~ plan for compliance with the goals and objectives of the Master Plan, and prepare an analysis of how the ~~concept-preliminary~~ plan meets the Master Plan goals and objectives for use by the Planning Commission in making its determination of compliance.
- ~~(7) The Zoning Official schedules a conceptual review by the Planning Commission at its next available regularly scheduled public hearing meeting.~~
- ~~(8) The Planning Commission shall be responsible for reviewing the concept plan and the analysis from the Zoning Official to determine the plan's compliance with the Master Plan and make any other determinations allowed or required by this Zoning Ordinance. If the Planning Commission finds that the concept plan complies with the Master Plan, it shall approve the concept plan without modifications. If the Planning Commission finds that the concept plan does not comply with the Master Plan in full or in part, it shall specifically identify where the concept plan is deficient in achieving the Master Plan goals and objectives. The Planning Commission may postpone the case to allow the applicant(s) time to revise the concept plan or deny the concept plan based on the identified deficiencies. In those cases where the Planning Commission finds that the concept plan does not comply with the Master Plan, it may require the applicant(s) to prepare and submit one (1) or more components of a development impact analysis report along with a revised concept plan for Planning Commission review and consideration before a final decision is made. Nothing in this subsection shall prevent the Planning Commission from approving a concept plan that does not comply with the Master Plan.~~
- ~~(9) Planning Commission approval of a concept plan shall be valid for a period of one (1) year, within which final site plan approval must be obtained.~~
- ~~(10) Once the concept plan has been approved, the applicant(s) shall submit the preliminary plan based on the approved concept plan and related documentation in the quantity specified by the Zoning Official.~~
- ~~(+)(7)~~ Once a complete set of application materials are received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.
- ~~(8)~~ The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.
- ~~(9) All major site plan reviews shall be placed on the Planning Commission consent agenda. The Planning Commission may, at its discretion, request to review and comment on any major site plan request prior to the issuance of approval by the Zoning Official.~~
- ~~(+2)~~
- ~~(10) The Zoning Official shall be responsible for reviewing the preliminary plan to determine the plan's compliance with the Master Plan and make any other determinations allowed or required by this Zoning Ordinance. If the Zoning Official finds that the preliminary plan complies with the Master Plan, it shall approve the preliminary plan without modifications. If the Zoning Official finds that the preliminary plan does not comply with the Master Plan in full or in part, it shall specifically identify where the preliminary plan is deficient in achieving the Master Plan goals and objectives. In those cases where the Zoning Official finds that the preliminary plan does not comply with the Master Plan, it may require the applicant(s) to prepare and submit one (1) or more components of a development impact analysis report along with a revised preliminary plan for Planning Commission review and consideration before a final decision is made. Nothing in this subsection shall prevent the Zoning Official from approving a preliminary plan that does not comply with the Master Plan.~~
- ~~(+3)(11)~~ The Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review; ~~the Zoning Official may require Planning Commission review of a preliminary plan to complete this step of the process.~~

~~(12)~~ The Zoning Official shall collect and transmit to the applicant(s) all revisions and comments recommended and received from the Township and other governmental agencies. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.

~~(13)~~ Zoning Official approval of a preliminary plan shall be valid for a period of one (1) year, within which final site plan approval must be obtained.

~~(14)~~ The Zoning Official and Township Engineer shall conduct a final site plan review.

~~(15)~~ The applicant(s) may obtain construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter. However, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.

~~(17)~~ The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.

~~(16)~~

~~(18)~~ The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).

~~(17)~~

~~(19)~~ Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with **Section 4-017**.

#### 4-004.4. Additional Regulations For Condominium Developments

- A. **Additional Application Materials.** The preliminary plan and preliminary plan review for condominium developments (*See Condominium Development in Section 1-007*) shall include the condominium master deed (*See Condominium Development in Section 1-007*) and any other documents required by the Condominium Act, Public Act 59 of 1978, as amended, or to be recorded with the Oakland County Register of Deeds. Those documents shall be reviewed and approved with respect to all matters subject to regulation by the Township in accordance with this Zoning Ordinance and the **Waterford Code of Ordinances**.
- B. **Site Plans for Expandable, Contractable, or Convertible Projects.** For expansion, contraction, or conversion of a condominium development to add or withdraw land, the new phase of the project shall undergo all steps of the major site plan review for approval.
- C. **Amendments to Master Deed, By-Laws, and Final Site Plans.** The approval of the final site plan is also conferred upon the master deed and by-laws as related documents. Therefore, any amendment of a master deed, by-laws, or as-built survey which would have any direct or indirect effect upon any matter reviewed or approved under this Section, as determined by the Zoning Ordinance, shall be reviewed and approved by the Township Attorney prior to recordation. If the Township Attorney, in consultation with the Township Engineer and Zoning Official, determines that the proposed amendments are a substantial departure from the approved final site plan, then the amendment shall undergo the same plan review and approval process as the original approved documents. The Zoning Official shall receive copies of all recorded master deed, by-law, and condominium development plan documents prior to the issuance of a certificate of occupancy.
- D. **Dwelling Unit Condominiums.** In recognition that the boundaries of dwelling unit condominiums will not correspond to traditional lot lines upon which the determinations of compliance with minimum lot area, width, and yard requirements are based, the following standards shall apply in making such determinations for a dwelling unit condominium development. (Effective 04/03/2019)
- (1) Minimum lot area shall be determined based on the definitions in **Section 1-007** of dwelling unit condominium in the definition of condominium development and dwelling unit condominium lot area in the definition of lot area.
  - (2) The width of a dwelling unit condominium lot shall be the width of the condominium unit plus 50% of the distance between that condominium unit and the condominium units or roads on each side.
  - (3) The minimum yard setbacks in **Section 3-900** shall apply except for the following:
    - (A) The front yard setback may be reduced to 25 feet when a unit fronts on a private road as measured from the nearest edge of the road right-of-way or easement line.
    - (B) In the R-1A District, the least one side yard setback is 7.5 feet and the total of two side yard setback is 15 feet.
  - (4) Compliance with minimum yards shall be determined as follows based on the distances between the walls of condominium units and from the walls of condominium units to right-of-way lines and boundaries of the condominium development.
    - (A) Minimum side-to-side distance between condominium units shall be the total of the side yard setback required for each unit.



- (B) Minimum side-to-rear distance between condominium units shall be the total of the side and rear yard setbacks required for the units, which in no event shall be less than 35 feet.
- (C) Minimum rear-to-rear distance between condominium units shall be the total of the rear yard setbacks required for the units, which in no event shall be less than 70 feet.
- (D) Notwithstanding *Section 2-104.2*, roof overhangs, eaves, and gutters shall not extend into a minimum side yard by more than one (1) foot.
- (5) Regardless of the front yard setback, a minimum driveway length of 25 feet shall be provided between the nearest edge of a sidewalk or non-motorized pathway and the garage entrance, or for a unit with no garage, to the front line of the dwelling building.
- (6) A deck, patio, or porch shall not be located in a side yard or extend more than 10 feet into a rear yard.
- (7) Exterior appliances shall be located in the rear yard.

#### 4-004.5. Open Space Preservation.

- A. *Purpose and Intent.* The open space preservation option is intended to encourage the long-term preservation of open space and natural features in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended. Property meeting the eligibility requirements of this subsection may be developed, at the owner's option, with the same number of dwelling units on a portion of the land as specified herein that, as determined by the Planning Commission, could have otherwise been developed on the same land under current ordinances, laws and rules, subject to and in accordance with the regulations of this subsection.
- B. *Eligibility Requirements.* The open space preservation option shall be applicable to zoning lots located within the R-1, Single Family Residential District that are served by municipal sewers as well as such zoning lots that are not served by municipal sewers. The provisions in this subsection shall supplement the existing regulations applicable to the R-1 zoning district in the event an eligible zoning lot is proposed for development using the open space preservation option provided in this subsection.
- C. *Review Process.*
  - (1) All proposed open space preservation option developments shall be submitted and reviewed in accordance with *Section 4-004.3* and in accordance with the requirements of this subsection and other applicable ordinances.
  - (2) In addition to all other submittals and information required under this subsection, all open space preservation plans submitted to the Township shall include a natural features inventory and mitigation report.
- D. *Density Calculation.* The density of dwelling units shall not exceed the density customarily developable in the R-1A Single Family Residential zoning district when developed with a conventional layout and with all applicable laws and ordinances being observed.
  - (1) A proposed open space preservation ~~concept-preliminary~~ plan and a parallel ~~concept-preliminary~~ plan shall be submitted in order to establish the maximum permitted density. The parallel ~~concept-preliminary~~ plan shall depict development of the R-1 zoning lot under the conventional standards of the R-1A zoning district and the requirements of all other applicable state and municipal regulations and standards. The proposed open space preservation ~~concept-preliminary~~ plan shall depict the proposed arrangement of dwelling units on the R-1 zoning lot with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (*only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review*), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary streets and street accessways, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on both the parallel ~~concept-preliminary~~ plan and the proposed open space preservation ~~concept-preliminary~~ plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.
  - (2) The ~~Planning Commission~~Zoning Official shall make the determination that a proposed open space preservation ~~concept-preliminary~~ plan is acceptable once it meets all applicable Township ordinance requirements and, based on the comparative review of the parallel ~~concept-preliminary~~ plan and proposed open space preservation ~~concept-preliminary~~ plan, determine the number of units permitted under the open space preservation option provided in this subsection.

**E. Design Requirements and Restrictions.** The following design and application requirements shall apply to a proposed open space preservation development under this subsection. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**, and otherwise incorporated into a site plan in accordance with the requirements of **Section 4-004.3**.

- (1) A minimum of fifty (50) percent of the lot area shall be preserved as permanent open space in an undeveloped state in the manner set forth in subparagraph F, below.
- (2) Permanent open space shall include the most significant natural features on the zoning lot.
- (3) The applicant(s) for an open space preservation development shall be entitled to an approval under this subsection; provided, the following aspects of the proposed development plan shall be reviewed for approval by the Planning Commission:
  - (A) The bulk regulations established by the Planning Commission Zoning Official for the dwellings in an open space preservation development shall be reasonable and rationally related to the standards, requirements and intent of single family residential development permitted under this Zoning Ordinance to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the Planning Commission Zoning Official under the proposed open space preservation ~~concept-preliminary~~ plan, and the setbacks, minimum lot width, and maximum impervious surface requirements for the single family residential zoning districts.
  - (B) The development layout and configuration shall result in zoning lots or condominium lots feasible for residential development and use, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent streets and other land which is developed, or may be developed for non-cluster residential development. Each zoning lot or condominium lot shall be depicted on the plan with a proposed building envelope, in which a proposed dwelling may be constructed and used, including all likely improvements, without the necessity of the grant of a variance by the ZBA.
- (4) Open space areas shall be accessible to all zoning lots or condominium lots in the development, either directly from the internal street network or, if approved in the discretion of the Planning Commission Zoning Official, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all zoning lots or condominium lots.
- (5) Preserved open space shall be connected with adjacent open space, public land, and existing or planned nonmotorized pathways, where feasible, as determined by the Planning Commission.
- (6) Approval of an open space preservation development does not constitute a change in the zoning of the property, and, except as specifically provided in this subsection, all other regulations applicable within the zoning district of the property and development shall apply.
- (7) Restrictions.
  - (A) Nothing in this subsection shall allow the construction of multi-family residential units in a single family residential district.
  - (B) Nothing in this subsection shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety, and welfare of any person or property.
  - (C) The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
  - (D) The development shall be designed to avoid an unreasonable burden upon the subject or surrounding zoning lots, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning or engineering considerations.

**F. Open Space Maintenance and Preservation.**

- (1) All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the Planning Commission Zoning Official prior to final approval of the development, and shall be received and approved as to substance and form by the Township Attorney prior to acceptance by the Planning Commission Zoning Official.
- (2) Nothing in this subsection shall be construed to require the property owner to convey fee title ownership of the open space to the public.



STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2022-Z-005

**TEXT AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to have major site plan review conducted by the Zoning Official instead of the Planning Commission, which will still be responsible for initial site plan review.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Article IV- Application and Procedures of Section 4-002- Development Review Procedures of the Zoning Ordinance shall be modified to remove Conceptual Site Plan Review as a component of Major Site Plan Review and shall read as follows:

**Article IV - Applications and Procedures**

**Section 4-002 - Development Review Procedures**

DEVELOPMENT REVIEW PROCEDURE		REQUIRED REVIEW COMPONENTS	SECTION	PAGE LOCATION
Site Plan Review	Change of Use Review	<ul style="list-style-type: none"><li>• Change of Use Review</li></ul>	<i>Section 4-004.1</i>	<b>Page IV-5</b>
	Minor Site Plan Review	<ul style="list-style-type: none"><li>• Preliminary Plan Review</li><li>• Final Site Plan Review</li><li>• Construction Review</li></ul>	<i>Section 4-004.2</i>	<b>Pages IV-6</b>
	Major Site Plan Review	<ul style="list-style-type: none"><li>• Preliminary Plan Review</li><li>• Final Site Plan Review</li><li>• Construction Review</li></ul>	<i>Section 4-004.3</i>	<b>Pages IV-7</b>

The Rest of the table remains unchanged.

**Section 2 of Ordinance**

Section 4-004.3 of the Waterford Township Zoning Ordinance that lists Major Site Plan Review, Submission and Review Process shall be modified to change a concept plan to a preliminary plan and to modify the process for the review of site plans and shall read as follows:

**4-004.3. B. Submission and Review Process.**

(1)-(3) Unchanged.

- (4) The applicant submits completed application forms, preliminary plan, the preliminary review fee, and related documentation in the quantity specified by the Zoning Official.
- (5) Unchanged
- (6) Once the preliminary review fee is paid and a complete set of application materials are received, the Zoning Official shall review the preliminary plan for compliance with the goal and objectives of the Master Plan, and prepare an analysis of how the preliminary plan meets the Master Plan goals and objectives for use by the Planning Commission in making its determination of compliance.
- (7) Once a complete set of application materials are received, the Zoning Official and Township Engineer shall calculate the review fees for the submitted application.
- (8) The applicant(s) will be notified in writing of the required fee total. It shall be the responsibility of the applicant(s) to ensure that the required fees are paid in full. No progress beyond this step will occur until the applicant(s) pays the fees in full. The application process will also be stopped if the fee payment is rejected for such a reason as insufficient funds, and will not be restarted until all fees and insufficient funds penalties are paid in full by secured funds.
- (9) All major site plan reviews shall be placed on the Planning Commission consent agenda. The Planning Commission may, at its discretion, request to review and comment on any major site plan request prior to the issuance of approval by the Zoning Official.
- (10) The Zoning Official shall be responsible for reviewing the preliminary plan to determine the plan's compliance with the Master Plan and make any other determinations allowed or required by this Zoning Ordinance. If the Zoning Official finds that the preliminary plan complies with the Master Plan, it shall approve the preliminary plan without modifications. If the Zoning Official finds that the preliminary plan does not comply with the Master Plan in full or in part, it shall specifically identify where the preliminary plan is deficient in achieving the Master Plan goals and objectives. In those cases where the Zoning Official finds that the preliminary plan does not comply with the Master Plan, it may require the applicant(s) to prepare and submit one (1) or more components of a development impact analysis report along with a revised preliminary plan for Planning Commission review and consideration before a final decision is made. Nothing in this subsection shall prevent the Zoning Official from approving a preliminary plan that does not comply with the Master Plan.
- (11) The Zoning Official, Township Engineer, Public Works Official, Fire Chief, and all other required government agencies identified by the Zoning Official shall conduct a preliminary plan review; the Zoning Official may require Planning Commission review of a preliminary plan to complete this step of the process.

- (12) The Zoning Official shall collect and transmit to the applicant(s) all revisions and comments recommended and received from the Township and other governmental agencies. The applicant(s) shall be responsible for ensuring that the revised preliminary plan contains all required revisions. This step shall be repeated until the Zoning Official confirms that the preliminary plan is in such form as to undergo final site plan review.
- (13) Zoning Official approval of a preliminary plan shall be valid for a period of one (1) year, within which final site plan approval must be obtained.
- (14) The Zoning Official and Township Engineer shall conduct a final site plan review.
- (15) The applicant(s) may obtain construction plan review application and fee requirements from the office of the Building Official and submit for construction plan review by the Building Official at this step or any step hereafter. However, final approval of a construction plan cannot be given or building permits issued until after the Zoning Official issues the approved final site plan.
- (16) The Zoning Official and Township Engineer verify that the final site plan complies with all Zoning Ordinance requirements.
- (17) The Zoning Official approves the final site plan, stamps it approved, shall keep one copy for the record, and provide one copy to the applicant(s).
- (18) Upon receipt of the approved final site plan, the applicant(s) shall complete all construction plan approvals and obtain all required building permits in accordance with *Section 4-017*.

### **Section 3 of Ordinance**

Section 4-004.5 Open Space Preservation of the Waterford Township Zoning Ordinance that provides for the Open Space Preservation option shall be modified to change a concept plan to a preliminary plan and shall replace the Planning Commission with the Zoning Official as part of the Open Space Preservation review process Density Calculation in Section D, Design Requirements and Restrictions in Section E, Open Space Maintenance and Preservation requirements in Section F shall be modified to read as follows

#### **4-004.5. Open Space Preservation.**

A-C. Unchanged.

*D. Density Calculation.* The density of dwelling units shall not exceed the density customarily developable in the R-1A Single Family Residential zoning district when developed with a conventional layout and with all applicable laws and ordinances being observed.

(1) A proposed open space preservation preliminary plan and a parallel preliminary plan shall be submitted in order to establish the maximum permitted density. The parallel preliminary plan shall depict development of the R-1 zoning lot under the conventional standards of the R-1A zoning district and the requirements of all other applicable state and municipal regulations and standards. The proposed open space preservation preliminary plan shall depict the proposed arrangement of dwelling units on the R-1 zoning lot with building envelopes of sufficient size, taking into consideration sanitary sewage disposal capacity (*only on property where there is a question of soil capacity will it be necessary to undertake actual soil analysis or County review*), topography, easements or encumbrances, drainage retention/detention areas, along with all necessary streets and street access ways, without impacting natural areas and features required to be preserved under applicable law and ordinance. All unbuildable areas and areas with limitations to development must be accurately identified on both the parallel preliminary plan and the proposed open space preservation preliminary plan, including, but not limited to, wetlands, watercourses, drains, floodplains, steep slopes, woodlands and similar features. It is not the intent of this provision to generally require detailed engineering in the preparation of this plan, however, it must be a realistic plan of development, taking into consideration the actual assets and constraints of the property.

(2) The Zoning Official shall make the determination that a proposed open space preservation preliminary plan is acceptable once it meets all applicable Township ordinance requirements and, based on the comparative review of the parallel preliminary plan and proposed open space preservation preliminary plan, determine the number of units permitted under the open space preservation option provided in this subsection.

*E. Design Requirements and Restrictions.* The following design and application requirements shall apply to a proposed open space preservation development under this subsection. The design requirements shall be incorporated into a preliminary plat, if the land is proposed to be developed in accordance with the procedures established in the **Waterford Code of Ordinances, Subdivision and Land Management Regulations**, and otherwise incorporated into a site plan in accordance with the requirements of *Section 4-004.3*.

(1)- (2) Unchanged.

(3) The applicant(s) for an open space preservation development shall be entitled to an approval under this subsection; provided, the following aspects of the proposed development plan shall be reviewed for approval by the Planning Commission:

(A) The bulk regulations established by the Zoning Official for the dwellings in an open space preservation development shall be reasonable and rationally related to the standards, requirements and intent of single family residential development permitted under this Zoning Ordinance to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback

requirements shall include the amount of open space, the density as determined by the Zoning Official under the proposed open space preservation preliminary plan, and the setbacks, minimum lot width, and maximum impervious surface requirements for the single family residential zoning districts.

(B) Unchanged.

(3) Open space areas shall be accessible to all zoning lots or condominium lots in the development, either directly from the internal street network or, if approved in the discretion of the Zoning Official, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all zoning lots or condominium lots.

(5)-(7) Unchanged.

***F. Open Space Maintenance and Preservation.***

(1) All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the Zoning Official prior to final approval of the development, and shall be received and approved as to substance and form by the Township Attorney prior to acceptance by the Zoning Official.

**Section 4 of Ordinance**

The effective date of this Ordinance shall be on the 8<sup>th</sup> 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