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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# PRSA 2022-Z-003
Proposed Zoning Ordinance Text Amendment
M-1, Light Industrial District
M-2, General Industrial District

Attached for your review and consideration, please find a proposed Zoning Ordinance Text Amendment. This proposed Zoning Ordinance Text Amendment removes all Commercial Storage Establishments as a Permitted Principal Use and adds it to the list of Permitted Uses after Special Approval within the M-1 Light Industrial District and the M-2 General Industrial District. This would establish the Planning Commission as the review and approval authority for all commercial storage establishments within the M-1 Light Industrial District and the M-2, General Industrial District in accordance with Section 4-006 of the Zoning Ordinance.

After due consideration, Planning Staff has recognized an abundance of commercial storage establishments due to their higher than average ROI when compared to office, industrial, retail, residential, or other real estate investments. Although necessary, these uses are considered unattractive and undesirable to a community when developed in large concentrations.

In an effort to incentivize more desirable industrial developments, this ordinance amendment upholds the intent of the 2003-2023 Master Plan vision for Industrial Districts in order to “create an economic climate conducive to the attraction, retention, and expansion of business within Waterford,” and “improve the physical appearance and functional character of the commercial corridors.”

Modifying commercial storage establishments to be a Permitted Uses after Special Approval within the M-1 and M-2 zoning districts also ensures that the public be notified and that effective site development practices are established so that the quality of life in adjacent residential areas are not adversely affected.

Section 1-007 of the Zoning Ordinance defines Commercial Storage Establishments as:

COMMERCIAL STORAGE ESTABLISHMENTS. A commercial establishment engaged in the indoor or outdoor storage of vehicles in good repair, equipment, materials, goods, products, or machinery. Commercial storage establishments shall be classified based upon the intensity and scope of the items to be stored and shall be defined as follows, including but not limited to:

Cold Storage Warehouse Establishment. A commercial storage establishment engaged in the storage of frozen products.

Commercial Storage Garage Establishment. A commercial storage establishment engaged in the indoor storage of motor vehicles in good repair.

Commercial Outdoor Storage Establishment. A commercial storage establishment engaged in the outdoor storage of supplies, equipment, vehicles in good repair, or the seasonal outdoor storage of recreational vehicles.

Self-Service Storage Establishment. A commercial storage establishment that provides indoor rental space in a building or group of buildings divided into individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies on a self-service basis.

Warehouse Establishment. A commercial storage establishment engaged in the wholesale storage and distribution of goods, wares, merchandise, substances or articles as a principal use where the warehousing use by nature requires greater frequency of deliveries to and from the storage location.

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 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.

SECTION 3-806. M-1, LIGHT INDUSTRIAL DISTRICT

The regulations in the subsections below shall apply to properties in the M-1 Light Industrial Zoning District:

3-806.1. Purpose and Intent. The M-1 zoning district is intended to implement the goals of the Light Industrial 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 Six, *To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment*, by permitting industrial uses on zoning lots properly scaled and designed with primary access along major arterial streets and ensuring that sources of ongoing noise, heavy truck traffic, fumes, and similar characteristics are mitigated through extensive buffering and the use of authorized building materials. This zoning district is also intended to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected.

3-806.2. 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*.

3-806.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses in the M-1 district:

- A. Building systems repair establishments and household service repair establishments (See *Commercial Service Establishments in J*).
- B. ~~Commercial storage establishments with the exception of commercial outdoor storage establishments (See *Commercial Storage Establishments in J*).~~ (Amended 8/4/20)
- C.B. Freight handling establishments (See *Freight Handling Establishments in J*).
- D.C. Packing and bailing sites, recyclable materials collection facilities, and refund container recycling depots (See *Recycling Facilities in J*).
- E.D. Light equipment rental establishments and heavy equipment rental establishments (See *Rental Establishments in J*) that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
- F.E. New vehicle dealer establishments, used vehicle dealer establishments, and vehicle broker dealer establishments (See *Vehicle Dealer Establishments in J*) that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
- G.F. Public utility facilities and public utility hardware (See *Public Utility in J*).
- H.G. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in *Section 2-604*. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS in J**).

3-806.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses in the M-1 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 J*).
- B. Commercial dry cleaning establishments (See *Dry-Cleaning Establishments in J*).
- C. Fueling facilities as an ancillary use (See *Use in J*).
- D. Propane filling facilities as an ancillary use (See *Use in J*).
- E. Vehicle repair facilities (See *Vehicle Repair Facilities in J*).
- F. Commercial agricultural processing factories, craft factories, food processing factories, and metal products factories (See *Manufacturing Establishments in J*), which may include a factory outlet (See *Use in J*) when reviewed and identified as part of an approved final site plan.
- G. On zoning lots with a net lot area exceeding one (1) acre:
 - (1) Light equipment rental establishments and heavy equipment rental establishments (See *Rental Establishments in J*), with outdoor display and storage.
 - (2) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (See *Vehicle Dealer Establishments in J*), with outdoor display and storage.
- H. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in *Section 2-604*. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS in J**).
- I. Up to six (6) medical marihuana primary caregivers that comply with the applicable regulations in *Section 2-604*. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS in J**).

3-806.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the M-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. Caretaker's dwelling unit (*See [Caretaker's Dwelling Unit in J](#)*), when located on the same zoning lot with the principal use to which it is accessory, provided that it meets all [Waterford Code of Ordinances](#) provisions for the structural and safety separation between the residential use and the principal use.
- B. Bulk soil resource supplies establishments (*See [Commercial Bulk Vegetation And Soil Resource Establishments in J](#)*).
- C. 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) Industrial or laundry plant dry-cleaning establishments (*See [Dry-Cleaning Establishments in J](#)*).
 - (2) Transport hauling rental establishments (*See [Rental Establishments in J](#)*).
 - (3) Leather goods factories, paper products factories, pharmaceutical factories, textile factories, and wood products factories (*See [Manufacturing Establishments in J](#)*), which may include a factory outlet (*See [Use in J](#)*) when reviewed and identified as part of an approved final site plan.
 - (4) Used vehicle parts dealer establishments (*See [Vehicle Dealer Establishments in J](#)*).
 - (5) Distressed vehicle storage yards (*See [Section 1-006](#)*), and distressed vehicle transporter establishments (*See [Vehicle Dealer Establishments in J](#)*) when operated in conjunction with a distressed vehicle storage yard on the same zoning lot.
 - (6) Outdoor storage as an accessory use for the uses listed in [Section 3-806.3.A](#) through [D](#), and [Section 3-806.4.A](#) and [E](#), 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.
- D. Commercial ~~outdoor~~-storage establishments (*See [Commercial Storage Establishments in J](#)*). (Effective 8/4/20)

SECTION 3-807. M-2, GENERAL INDUSTRIAL DISTRICT

The regulations in the subsections below shall apply to properties in the M-2 General Industrial Zoning District:

3-807.1. Purpose and Intent. The M-2 zoning district is intended to implement the goals of the General Industrial 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 Six, *To Ensure and Enforce Land Use Development Practices that are Sensitive to Waterford's Natural Environment*, by permitting industrial uses of heavy and concentrated manufacturing, assembly, repair, and storage, on zoning lots properly scaled and designed and providing for the following with such uses: primary access along major arterial streets; compatibility with adjacent zoning districts; accessibility to railroad and state highway transportation infrastructure; and possessing the public safety service and facility capacity necessary to serve these intense land uses. This zoning district is intended to be located in areas where conflicts with other uses can be minimized and physically separated from and unencumbered by nearby residential development.

3-807.2. 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*.

3-807.3. Permitted Principal Uses. The following uses shall be permitted as principal permitted uses, along with outdoor storage as an accessory use, in the M-2 district:

A. ~~Commercial storage facilities (See *Commercial Storage Establishments* in J).~~

B.A. Freight handling establishments (See *Freight Handling Establishments*. in *J*).

C.B. Packing and bailing sites, recyclable materials collection facilities, and refund container recycling depots (See *Recycling Facilities* in *J*).

D.C. Public utility facilities and public utility hardware (See *Public Utility* in *J*).

E.D. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in *Section 2-604*. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS** in *J*).

3-807.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses, along with outdoor storage as an accessory use, in the M-2 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with *Section 4-004*:

- A. Landscaping maintenance establishments (See *Commercial Service Establishments* in *J*).
- B. Industrial or laundry plant dry-cleaning establishments (See *Dry-Cleaning Establishments* in *J*).
- C. Bulk soil resource supplies establishments (See *Commercial Bulk Vegetation And Soil Resource Establishments* in *J*).
- D. Light equipment rental establishments, heavy equipment rental establishments, and transport hauling rental establishments (See *Rental Establishments* in *J*).
- E. Vehicle repair facilities (See *Vehicle Repair Facilities* in *J*).
- F. Propane filling facilities as an ancillary use (See *Use* in *J*).
- G. Fueling facilities as an ancillary use (See *Use* in *J*).
- H. Manufacturing establishments (See *Manufacturing Establishments* in *J*).
- I. Licensed medical marihuana growers and licensed medical marihuana processors that comply with the applicable regulations in *Section 2-604*. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS** in *J*).
- J. **Section 1-007.** Up to six (6) medical marihuana primary caregivers that comply with the applicable regulations in *Section 2-604*. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS** in *J*).

3-807.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the M-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. Caretaker's dwelling unit (See *Caretaker's Dwelling Unit* in *J*), when located on the same zoning lot with the principal use to which it is accessory, provided that it meets all **Waterford Code of Ordinances** provisions for the structural and safety separation between the residential use and the principal use.
- B. Billboards, subject to all of the following requirements:
 - (1) The maximum size of any such sign shall not exceed three hundred sixty (360) square feet in area.
 - (2) The maximum height of any such sign shall not exceed thirty (30) feet in height.

Article VII - Graphics

- (3) A minimum of one thousand (1,000) feet shall be provided between such signs on the same side of a street roadway.
- (4) Any such sign shall be setback at least seventy-five (75) feet from any property line abutting any non-residential zoning district.
- (5) Any such sign shall be setback at least three hundred (300) feet from any residential zoning district.
- (6) Any such sign shall be setback at least two hundred (200) feet from any street intersection.

C. The following uses, along with outdoor storage as an accessory use, 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:

- (7) Material processing establishments (*See Material Processing Establishments in J*).
- (8) Dangerous trades facilities (*See Dangerous Trades Facilities in J*).
- (9) Used vehicle parts dealer establishments (*See Vehicle Dealer Establishments in J*).
- (10) On zoning lots containing a net lot area of two (2) acres or more available for outdoor storage:
 - (A) Rail yards (*See Rail Yard in J*).
 - (B) Junk storage yards and/or dismantling yards (*See Section 1-006*).
 - (C) Distressed vehicle storage yards (*See Section 1-006*).
 - (D) Automotive recycler establishments, distressed vehicle transporter establishments, foreign salvage vehicle dealer establishments, vehicle scrap metal processor establishments, and vehicle salvage pool establishments (*See Vehicle Dealer Establishments in J*).

D. Large-scale wind energy systems (*See Alternative Energy System in J*), provided that if special approval is granted all LWES components shall be inspected and approved by the Building Official in accordance with **Section 4-016**.

E. Commercial storage establishments (*See Commercial Storage Establishments in J*).

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”) to remove Commercial Storage Establishments as permitted principal uses and make them special use approval in the M-1 and M-2 Districts.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Permitted Principal Uses in the M-1, Light Industrial District shall be modified in Section 3-806.3 of the Zoning Ordinance to delete Commercial Storage Establishments as Section B and shall now read as follows:

3-806.3 Permitted Principal Uses. The following uses shall be permitted uses in the M-1 District:

- A. Building systems repair establishments and household service repair establishments (*See Commercial Service Establishments in Section 1-007*).
- B. Freight handling establishments (*See Freight Handling Establishments in Section 1-007*).
- C. Packing and bailing sites, recyclable material collection facilities, and refund container recycling depots. (*See Recycling Facilities in Section 1-007*).
- D. Light equipment rental establishments and heavy equipment rental establishments (*See Rental Establishments in Section 1-007*).
- E. New vehicle dealer establishments, used vehicle dealer establishments, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*) that are conducted within the principal building and do not utilize outdoor display and/or storage of vehicles.
- F. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
- G. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulation in Section 2-604. (*See MEDICAL MARIHUANA USES AND DEFINED TERMS in Section 1-007*).

Section 2 of Ordinance

The Permitted Uses after Special Approval in the M-1, Light Industrial District shall be modified in Section 3-806.5 of the Zoning Ordinance to replace Commercial Outdoor Establishments in D with Commercial Storage Establishments to now read as follows:

3-806.5 Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the M-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.-C. Unchanged
- D. Commercial Storage Establishments (*See Commercial Storage Establishments in Section 1-007*).

Section 3 of Ordinance

The Permitted Principal Uses in the M-2, General Industrial District shall be modified in Section 3-807.3 of the Zoning Ordinance to delete Commercial Storage Facilities as Section A and now read as follows:

3-807.3 Permitted Principal Uses. The following uses shall be permitted as principal uses, along with outdoor storage as an accessory use, in the M-2 District:

- A. Freight handling establishments (*See Freight Handling Establishments in Section 1-007*).
- B. Packing and bailing sites, recyclable material collection facilities, and refund container recycling depots. (*See Recycling Facilities in Section 1-007*).
- C. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
- D. Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulation in Section 2-604. (*See MEDICAL MARIHUANA USES AND DEFINED TERMS in Section 1-007*).

Section 4 of Ordinance

The Permitted Uses after Special Approval in the M-2, General Industrial District shall be modified in Section 3-807.5 of the Zoning Ordinance to add Commercial Storage Establishments in D to now read as follows:

3-806.5 Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the M-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-D unchanged

E. Commercial Storage Establishments (*See Commercial Storage Establishments in Section 1-007*).

Section 5 of Ordinance

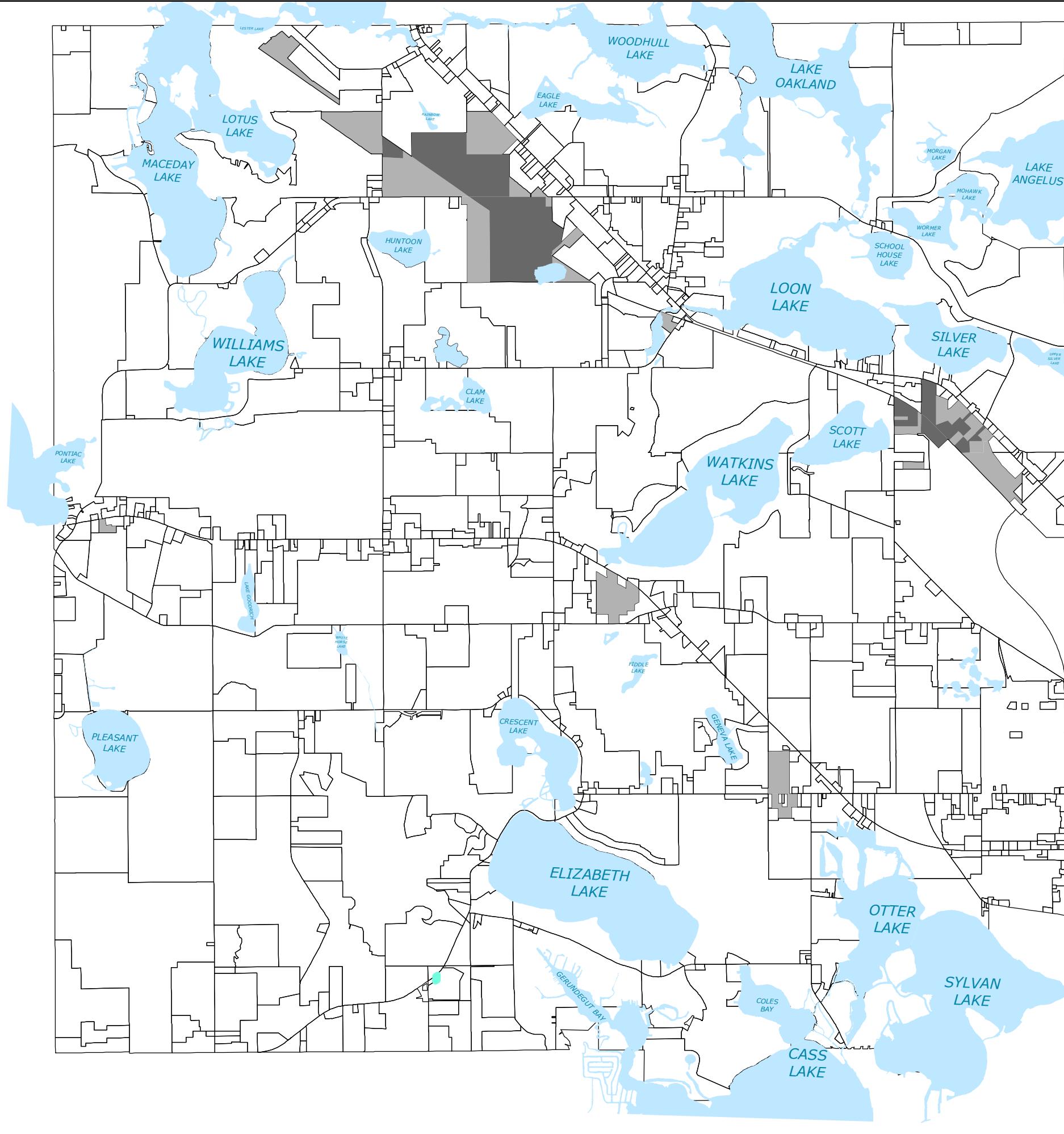
The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

CERTIFICATION

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on _____, 2022.

Date

Kimberly Markee, Township Clerk



Proposed Zoning Ordinance Text Amendment

Commercial Storage as Special Use Approval

M-1, Light Industrial

M-2, General Industrial

Legend

M-1, LIGHT INDUSTRIAL

M-2, GENERAL INDUSTRIAL

ALL OTHER PROPERTIES

Lakes

Charter Township of Waterford
Development Services Department
Planning and Zoning Division

Drawn By: J. Polkowski
March 3, 2022