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5200 Civic Center Drive
Waterford, Michigan 48329-3773
Telephone: (248) 674-6238 Fax: (248) 674-4097
www.waterfordmi.gov

**DEVELOPMENT SERVICES
DEPARTMENT**

**Jeffrey M. Polkowski, AICP
Director**

**Dave Hills
Superintendent of Building
Division**

**Scott Alef
CDBG Coordinator**

MEMORANDUM

Date: December 28, 2023

To: Board of Trustees

From: Jeffrey M. Polkowski, Director of Development Services

RE: Item# 2024-Z-001
Proposed Zoning Ordinance Text Amendment: Exterior Appliances
All Zoning Districts

This proposed Zoning Ordinance Text Amendment clarifies screening and distance requirements for Exterior appliances.

Section 1-007 of the Zoning Ordinance defines Exterior Appliances as:

Exterior Appliance. A mechanical/electronic device located on the exterior of a building that is instrumental in providing utility service to the building to which it is connected (i.e. air conditioning units, generators, irrigation pumps, gas meters, and electrical boxes).

Currently Exterior Appliances are allowed anywhere on a property provided that they meet the manufacturer's requirements, comply with the Michigan State Building Code, and required yard setbacks. The ordinance is deaf to placement requirements of Exterior Appliances with respect to the subject building. This has caused many neighborhood disputes regarding unsightly Exterior Appliances being built too close to a neighboring property.

The proposed ordinance has been drafted in response to many requests from property owners, developers, and Township Staff to clarify where Exterior Appliances may be placed in a manner that is harmonious with the surrounding environment and mitigates any future residential disputes that may arise.

Additionally, as the ordinance is currently written, there are requirements for Exterior Appliances to be screened. However, this requirement has not historically been enforced. The screening requirements for Exterior Appliances was originally written in the Interim Site Planning and Landscape Design Standards Manual adopted in 2010 and was then carried into the Zoning Ordinance in 2022 when the Interim Site Planning and Landscape Design Standards Manual was dissolved. This proposed ordinance amendment also seeks to clarify the screening requirements so that they may now be enforced and will ensure placement in locations with less impact on neighboring properties.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Zoning Ordinance amendment at the regularly

**With us there are no
boundaries**

scheduled meeting on December 12, 2023 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the December 12, 2023 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 January 22, 2023 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.

Should you have any questions prior to Monday's meeting please do not hesitate to reach out to me.

CURRENT ORDINANCE:

SECTION 2-305. EXTERIOR APPLIANCES *Exterior appliances are allowed provided that they shall be located in accordance with the Building Code and must adhere to the manufacturer's requirements for clearance and:*

- A. Such units shall not be located in any required yard setback,*
- B. Units shall be screened as approved by the Building Official through use of solid materials as provided for in Section 2-801 to buffer the environmental effects of such exterior appliances from dwelling units, and (Amended 7/5/2022)*
- C. Equipment placed upon the roof of a building, including but not limited to heating, ventilation, and air-conditioning equipment, shall be screened from the view of those traveling along adjacent streets and from the view of zoning lots in adjacent residential zoning districts*

PROPOSED CHANGES:

SECTION 2-305. EXTERIOR APPLIANCES

Exterior appliances are allowed, provided that they shall be located in accordance with the manufacturer's requirements for clearance.

- A. For exterior appliances placed on the ground, the following shall apply:
 - 1) For Single-Family Residential Zoning Districts:
 - i. Exterior appliances may be located in a rear yard or lakefront yard when placed immediately adjacent to the principle building or any attached structure thereof.
 - ii. Exterior appliances may be located in a front yard, side yard and lake rear yard when placed immediately adjacent to the principle building or any attached structure thereof, with the following conditions:
 - 1. Such units shall maintain a minimum front yard setback or lake rear yard setback of thirty-five (35) feet.
 - 2. Such units shall maintain a minimum side yard setback of five (5) feet.
 - 3. Such units shall be screened from view from adjacent dwelling units and streets, through the use of evergreen plant material or screen wall, at least the height of the unit. Other screening options may be utilized after review and approval from the Zoning Official.
 - 2) For all other Zoning Districts, such units shall conform to the minimum setback requirements of the zoning district in which it is located. Units shall be screened through the use of evergreen plant material or screen wall, at least the height of the unit. Other screening options may be utilized after review and approval from the Zoning Official.
- B. Exterior appliances placed upon the roof of a building shall be screened from the view of those traveling along adjacent streets and from the view of zoning lots in adjacent residential zoning districts.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2024-Z-001

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) to clarify the Building Structure Standards for Exterior Appliances.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 2-305 of the Waterford Township Zoning Ordinance that lists Building Structure Standards for Exterior Appliances, is amended to clarify the requirements for Single-Family Residential Zoning districts and for all other Zoning Districts, to read as follows:

2-305 EXTERIOR APPLIANCES:

Exterior appliances are allowed, provided that they shall be located in accordance with the manufacturer's requirements for clearance.

- A. For exterior appliances placed on the ground, the following shall apply:
 - 1) For Single-Family Residential Zoning Districts:
 - i. Exterior appliances may be located in a rear yard or lakefront yard when placed immediately adjacent to the principle building or any attached structure thereof.
 - ii. Exterior appliances may be located in a front yard, side yard and lake rear yard when placed immediately adjacent to the principle building or any attached structure thereof, with the following conditions:
 1. Such units shall maintain a minimum front yard setback or lake rear yard setback of thirty-five (35) feet.
 2. Such units shall maintain a minimum side yard setback of five (5) feet.
 3. Such units shall be screened from view from adjacent dwelling units and streets, through the use of evergreen plant material or screen wall, at least the height of the unit. Other screening options may be utilized after review and approval from the Zoning Official.
 - 2) For all other Zoning Districts, such units shall conform to the minimum setback requirements of the zoning district in which it is located. Units shall be screened through the use of evergreen plant material or screen wall, at least the height of the unit. Other screening options may be utilized after review and approval from the Zoning Official.

B. Exterior appliances placed upon the roof of a building shall be screened from the view of those traveling along adjacent streets and from the view of zoning lots in adjacent residential zoning districts.

Section 2 of Ordinance

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect, and the Waterford Township Code of Ordinances shall remain in full force and effect, amended only as specified above.

Section 3 of Ordinance

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

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 January 22, 2024.

Date

Kimberly Markee, Township Clerk