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**DEVELOPMENT SERVICES
DEPARTMENT**

Jeffrey M. Polkowski, AICP
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Dave Hills
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MEMORANDUM

Date: December 28, 2023

To: Board of Trustees

From: Jeffrey M. Polkowski, Director of Development Services

RE: Item# 2024-Z-002

Proposed Zoning Ordinance Text Amendment: Nursery Establishments
C-1, Neighborhood Business District; C-2, Small Business District; C-3, General
Business District; C-4, Extensive Business District; C-UL, Union Lake Business
District; C-UB, Commercial Urban Business District; and OV-SP, Summit Place
Overlay

This proposed Zoning Ordinance Text Amendment adds Nursery Establishments as a Permitted use after receiving Special Approval from the Planning Commission and a determination of compliance with the wellhead protection ordinance from the Public Works Official in the C-1, Neighborhood Business District; C-2, Small Business District; C-3, General Business District; C-4, Extensive Business District; and C-UL, Union Lake Business District. This ordinance amendment also subsequently applies to the OV-SP, Summit Place Overlay as these underlying districts are within the overlay.

This would allow for Nursery Establishments to be permitted within the primary commercial districts of the Township and allow the Planning Commission as the review and approval authority for such Nursery Establishments in accordance with Section 4-006 of the Zoning Ordinance. This ensures that the public be notified, effective site development practices are established, and allows for the Planning Commission to work with an applicant should any site plan move forward for a Nursery Establishment in these commercial districts. Placing this use as a Special Approval ensures that the quality of life in adjacent residential areas are not adversely affected as well as the business practices of adjacent commercial operations.

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

Nursery Establishment. A commercial bulk vegetation and soil resource establishment that provides for the growing and wholesale and/or retail sale of live trees, shrubs, sod, flowers, and plants on the same zoning lot, and including as incidental sales, the sale of products used for gardening or landscaping.

With us there are no
boundaries

Currently, Nursery Establishments are only allowed within some residential districts in the Township. Given the inherent retail nature of these facilities, Planning Staff has made the decision to recommend this ordinance amendment due to the retail-oriented nature of these uses.

That being said, while outdoor storage of plants and plant material is often a component of a Nursery Establishment, Township Staff is only recommending outdoor storage as an accessory to this land use in the C-3, General Business District and the C-4, Extensive Business District due to the intensive nature that outdoor storage may impose on neighboring properties and conflicting land uses.

Additionally, requiring a determination of compliance with the wellhead protection ordinance from the Public Works Official ab additional approval authority for such Nursery Establishments in accordance with Chapter 8 Section Article V of the Code of Ordinances. This additional measure is to safeguard the health, safety, and welfare of persons served by the Township's Public Water Supply System to protect designated groundwater supplies from contamination resulting from the improper storage, handling, use, production, or discharge of Regulated Substances within areas surrounding existing and proposed municipal drinking water wells and wellfields.

Planning Commission Recommendation and Findings

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

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

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

3-703.1. Purpose and Intent. The C-1 zoning district is intended to implement the goals of the Local Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Goal Seven, *To Retain, Enhance, and Promote Waterford's Unique Character, Sense of Community, and Identity*, and Master Plan Objective 7-2, *Plan and Encourage Development of Neighborhood Nodes*, as described in Chapter 9 of the Master Plan by permitting business uses designed for the convenience of persons residing in adjacent residential neighborhoods, such as personal service and personal grooming establishments, shopfront retail uses, and neighborhood shopping centers that are designed in scale with the character of the surrounding residential neighborhood, do not generate large volumes of vehicular traffic, encourage pedestrian traffic, provide buildings in landscaped settings with off-street parking areas, operate only during generally accepted normal business hours, and promote the viability of neighborhood nodes. This zoning district is intended to limit the intensity of commercial development through the height and usable floor area restrictions specified within **Section 3-900** and **3-901**. This zoning district shall be primarily located along minor arterial streets and collector streets near residential neighborhoods to ensure effective vehicular and pedestrian accessibility and minimize the impact of nonresidential uses on adjacent residential neighborhoods. The C-1 zoning district shall be coordinated and balanced with the O-1, Local Office District within neighborhood nodes to ensure complementary land uses and minimize the effect of competitive economic pressures, such as the location of the same permitted use on each of the four (4) corners of a neighborhood node that can jeopardize the viability of a neighborhood node.

3-703.2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Section 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.

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

- A. Convenience stores, limited merchandise stores, drug stores, and specialty retail stores (See **Retail Establishments** in **Section 1-007**).
- B. Animal grooming establishments, commercial school establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, and personal service establishments (See **Commercial Service Establishments** in **Section 1-007**).
- C. Child day care centers (See **Child Day Care Facilities** in **Section 1-007**). (Effective 12/6/2022)
- D. Drop-off dry cleaning establishments (See **Dry-Cleaning Establishments** in **Section 1-007**).
- E. Professional medical care offices (See **Medical Establishments** in **Section 1-007**).
- F. Office establishments (See **Office Establishments** in **Section 1-007**).
- G. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See **Restaurant Establishments** in **Section 1-007**) without drive-thru facilities. (Amended 11/30/2021)
- H. Entertainment rental establishments (See **Rental Establishments** in **Section 1-007**).
- I. Fitness centers (See **Recreational Facilities** in **Section 1-007**).
- J. Used book shops (See **Resale Establishments** in **Section 1-007**).
- K. Neighborhood public utility facilities, public utility hardware, and area public utility facilities (See **Public Utility** in **Section 1-007**).
- L. Outfitters (See **Outfitters** in **Section 1-007**). (Effective 8/17/2021)

4-703.4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-1 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

- A. Outdoor dining patios (See **Structure** in **Section 1-007**) conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for: reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure that such use does not violate the performance standards established in this Zoning Ordinance.

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- B. Regional public utility facilities (*See **Public Utility** in **Section 1-007***), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in **Division 2-8** and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews. (Amended 7/5/2022)
- C. Electric Vehicle Charging Stations (*See **Electric Vehicle Charging Stations** in **Section 1-007***). (Effective 5/4/2021)
- D. Carryout restaurants and fast food/delicatessen/sandwich shop restaurants (*See **Restaurant Establishments** in **Section 1-007***) with drive-thru facilities. (Effective 11/30/2021)
- E. Veterinary Clinics (*See **Veterinary Clinic** 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. (Effective 1/31/23)
- F. **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) **Nursery Establishments** (*See **Commercial Bulk Vegetation And Soil Resource Establishments** in **Section 1-007***)

SECTION 3-704. C-2, SMALL BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-2 Small Business Zoning District:

3-704.1. Purpose and Intent. The C-2 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.1, *Develop and Utilize Township Capacity for Proactive Economic Development*, by permitting commercial uses properly scaled and designed for zoning lots with limited lot area that were established along commercial corridors prior to the adoption of commercial zoning regulations in Waterford Township.

3-704.2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with *Section 3-900* and *3-901* and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with *Section 4-004*.

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

- A. Convenience stores, limited merchandise stores, drug stores, and specialty retail stores (See *Retail Establishments in Section 1-007*).
- B. Animal grooming establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments (See *Commercial Service Establishments in Section 1-007*).
- C. Child day care centers (See *Child Day Care Facilities in Section 1-007*). (Effective 12/6/2022)
- D. Drop-off dry cleaning establishments (See *Dry-Cleaning Establishments in Section 1-007*).
- E. Professional medical care offices (See *Medical Establishments in Section 1-007*).
- F. Office establishments (See *Office Establishments in Section 1-007*).
- G. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (See *Restaurant Establishments in Section 1-007*) without drive-thru facilities. (Amended 11/30/2021)
- H. Entertainment rental establishments (See *Rental Establishments in Section 1-007*).
- I. Used book shops (See *Resale Establishments in Section 1-007*).
- J. Neighborhood public utility facilities (See *Public Utility in Section 1-007*) and public utility hardware (See *Public Utility in Section 1-007*).
- K. Area public utility facilities (See *Public Utility in Section 1-007*) and regional public utility facilities (See *Public Utility in Section 1-007*), provided that any installations located closer than fifty (50) lineal feet from any adjacent residential dwelling shall be screened with landscaping materials as provided for in *Division 2-8* and identified in a landscape plan reviewed and approved by the Zoning Official and Township Engineer, and such landscaping shall not negatively impact accessibility by utility maintenance crews. (Amended 7/5/2022)
- L. Licensed medical marihuana provisioning centers that comply with the applicable regulations in *Section 2-604*. (See *MEDICAL MARIHUANA USES AND DEFINED TERMS in Section 1-007*).
- M. Outfitters (See *Outfitters in Section 1-007*). (Effective 8/17/2021)
- N. Licensed adult use marihuana retailers that comply with the applicable regulations in *Section 2-605* (See *Marihuana Adult Establishments Uses Defined Terms in Section 1-007*). (Effective 7/25/2023)

4-704.4. Permitted Uses after Wellhead Protection Compliance.

- A. Reserved

5-704.5. Permitted Uses after Special Approval The following uses shall be permitted as special approval uses in the C-2 district, subject to the review and approval of the use in accordance with *Section 4-006* and any conditions hereinafter imposed for each such use:

- A. Banquet and food preparation establishments (See *Commercial Service Establishments in Section 1-007*). (Effective 8/4/2020)
- B. Electric Vehicle Charging Stations (See *Electric Vehicle Charging Stations in Section 1-007*). (Effective 5/4/2021)

- C. Restaurant Establishments (*See Restaurant Establishments in Section 1-007*) with outdoor dining patios conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operation, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance. (Effective 9/27/2021)
- D. Bar/lounges, carryout restaurants and fast food/delicatessen/sandwich shop restaurants (*See Restaurant Establishments in Section 1-007*) with drive-thru facilities. (Amended 11/30/2021)
- E. 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. Effective 1/31/23
- F. 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) Minor vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*). (Effective 3/7/23)
 - (2) **Nursery establishments (*See Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007*)**

SECTION 3-705. C-3, GENERAL BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-3 General Business Zoning District:

3-705.1. Purpose and Intent. The C-3 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, by permitting the development of a broad range of general commercial uses on zoning lots properly scaled and designed to serve broad areas of the Township. This zoning district is intended to limit the intensity of commercial development through the height and usable floor area restrictions specified within **Section 3-900** and **3-901**, and ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas is not adversely affected. To ensure effective vehicular and pedestrian accessibility, this zoning district shall be primarily located with access along major arterial streets, and may be located with access along minor arterial streets where the zoning lot and use are properly scaled. This zoning district may serve as a transitional zone between light industrial or extensive business zoning districts and existing single-family residential zoning districts.

3-705.2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Section 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.

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

- A. Convenience stores, department stores, drug stores, limited merchandise stores, merchandise display stores, specialty retail stores, and supermarket establishments (See **Retail Establishments** in **Section 1-007**) without outdoor sales display areas.
- B. Shopping centers (See **Retail Establishments** in **Section 1-007**) without outdoor sales display areas.
- C. Animal grooming establishments, banquet and food preparation establishments, building systems repair establishments, commercial school establishments, household service repair establishments, laundry establishments, media production establishments, media communications establishments, personal advice establishments, personal grooming establishments, personal improvement service establishments, personal service establishments, and pet shop establishments (See **Commercial Service Establishments** in **Section 1-007**).
- D. Child day care centers (See **Child Day Care Facilities** in **Section 1-007**). (Effective 12/6/2022)
- E. Drop-off dry cleaning establishments (See **Dry-Cleaning Establishments** in **Section 1-007**).
- F. Professional medical care offices and medical clinics (See **Medical Establishments** in **Section 1-007**).
- G. Office establishments (See **Office Establishments** in **Section 1-007**).
- H. Restaurant establishments (See **Restaurant Establishments** in **Section 1-007**) without outdoor dining patios or drive-thru facilities. (Amended 11/30/2021)
 - I. Entertainment rental establishments and rent-to-own establishments (See **Rental Establishments** in **Section 1-007**).
 - J. Entertainment activity centers and theaters (See **Entertainment Establishments** in **Section 1-007**).
 - K. Hotels and motels (See **Hotel And Motel** in **Section 1-007**).
 - L. Fitness centers and health/recreation facilities (See **Recreational Facilities** in **Section 1-007**).
 - M. Antique stores, used book shops, consignment shops, and thrift shops (See **Resale Establishments** in **Section 1-007**).
 - N. 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.
 - O. Funeral home establishments (See **Funeral Home Establishments** in **Section 1-007**).
 - 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. Licensed medical marihuana provisioning centers that comply with the applicable regulations in **Section 2-604**. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS** in **Section 1-007**).
 - S. Electric Vehicle Charging Stations (See **Electric Vehicle Charging Stations** in **Section 1-007**). (Effective 5/4/2021)
 - T. Outfitters (See **Outfitters** in **Section 1-007**). (Effective 8/17/2021)
 - U. Licensed adult use marihuana retailers that comply with the applicable regulations in **Section 2-605** (See **Marihuana Adult Establishments Uses Defined Terms** in **Section 1-007**). (Effective 7/25/2023)

3-705.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses in the C-3 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:

- A. Landscaping maintenance establishments (See **Commercial Service Establishments in Section 1-007**).
- B. Local dry-cleaning and commercial dry cleaning establishments (See **Dry-Cleaning Establishments in Section 1-007**).

3-705.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-3 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

- A. Cultural facilities (See **Cultural Establishments in Section 1-007**).
- B. Institutional facilities (See **Institutional Facilities in Section 1-007**).
- C. Religious facilities (See **Religious Facilities in Section 1-007**).
- D. Hospitals (See **Medical Establishments in Section 1-007**).
- E. Elder care facilities (See **Elder Care Facilities in Section 1-007**). (Effective 3/2/2021)
- F. Vehicle (car) wash establishments (See **Commercial Service Establishments in Section 1-007**).
- G. Veterinary hospitals (See **Veterinary Establishments in Section 1-007**). A veterinary hospital may include customary pens or cages as an accessory use on the zoning lot, provided that they are an identified part of an approved site plan.
- H. Vehicle lease or rental agencies (See **Vehicle Lease Or Rental Agency in Section 1-007**). An approved site plan for a vehicle rental agency office shall incorporate plan details for all zoning lots utilized for outdoor vehicle inventory storage, and provide and maintain current information on all storage locations of its inventory, ensuring that zoning lots shall not exceed Zoning Ordinance requirements for inventory storage.
- I. The uses permitted under **Sections 3-705.3.A** and **3-705.3.B** with outdoor sales display areas (See **Use in Section 1-007**).
- J. Restaurant establishments (See **Restaurant Establishments in Section 1-007**) with outdoor dining patios conducted in areas structurally attached to and/or located directly adjacent to or upon the principal building used for restaurant establishments. The Planning Commission shall review and may stipulate requirements for reasonable restrictions on the hours of operations, additional screening and fencing, service area accessibility, waste material containers and disposal of waste materials, effective pedestrian circulation, seating capacity, additional required parking, and future review to ensure conformance with such stipulations and the performance standards established in this Zoning Ordinance.
- K. Pawnshops and second-hand dealers (See **Section 1-006**) in conformance with **Section 2-602**.
- L. Substance abuse care centers and transitional medical care facilities (See **Medical Establishments in Section 1-007**).
- M. Sport recreation facilities, golf driving ranges, and skateboard parks (See **Recreational Facilities in Section 1-007**).
- N. Competitive commercial adventure game facilities (See **Entertainment Establishments in Section 1-007**).
- O. Massage schools (See **Section 1-006**) in conformance with **Section 2-602**.
- P. Commercial storage establishments (See **Commercial Storage Establishments in Section 1-007**), provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
- Q. Light equipment rental establishments (See **Rental Establishments in Section 1-007**) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (See **Vehicle Dealer Establishments in Section 1-007**) conducted entirely within the principal building with no outdoor display or storage.
- R. Kennel (See **Kennel in Section 1-007**). (Effective 5/4/2021)
- S. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section.
 - (1) On zoning lots with a net lot area exceeding one (1) acre, light equipment rental establishments (See **Rental Establishments in Section 1-007**) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (See **Vehicle Dealer Establishments in Section 1-007**) with outdoor display or storage.
 - (2) Commercial fueling establishments (See **Commercial Fueling Establishments in Section 1-007**).
 - (3) Propane filling facilities as an ancillary use (See **Use in Section 1-007**) for permitted uses identified in **Sections 3-705.3.A** and **3-705.3.B**.

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- (4) Minor vehicle service facilities, general vehicle service facilities, and major vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*). (Amended 3/7/23)
- (5) **Nursery establishments (*See Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007*) with outdoor storage.**

T. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with drive-thru facilities. (Amended 11/30/2021)

SECTION 3-706. C-4, EXTENSIVE BUSINESS DISTRICT

The regulations in the subsections below shall apply to properties in the C-4 Extensive Business Zoning District:

3-706.1. Purpose and Intent. The C-4 zoning district is intended to implement the goals of the Community Business land use designation as described in Chapter 8 of the Waterford Township Master Plan-2003-2023 and identified on the Future Land Use Maps as well as implement Master Plan Objective 4.4, *Improve the Physical Appearance and Functional Character of the Commercial Corridors*, by permitting commercial uses that require intensive use of the land on zoning lots located with access along major arterial streets, are properly scaled and designed for major arterial street oriented and open air businesses, and contain substantial land area for safe vehicular accessibility, off-street parking, and product display. This zoning district is intended to utilize extensive planning and site development design to ensure that effective setbacks and landscape buffers are established so that the quality of life in adjacent residential areas are not adversely affected.

3-706.2. Conformance to Regulatory Standards. All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Section 3-900** and **3-901** and the **Waterford Code of Ordinances, Buildings and Building Regulations, Fire Prevention and Protection, Flood Control and Environmental Protection, Health and Sanitation, and Water and Sewers**. In addition to all other plan review requirements applicable under this Zoning Ordinance, developments in this zoning district shall require approval through the applicable site plan review procedure in accordance with **Section 4-004**.

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

- A. Retail establishments (See **Retail Establishments** in **Section 1-007**), including such establishments with outdoor sales display areas.
- B. Commercial service establishments (See **Commercial Service Establishments** in **Section 1-007**).
- C. Restaurant establishments (See **Restaurant Establishments** in **Section 1-007**) without drive-thru facilities. (Amended 11/30/2021)
- D. Entertainment establishments (See **Entertainment Establishments** in **Section 1-007**).
- E. Cultural facilities (See **Cultural Establishments** in **Section 1-007**).
- F. Institutional facilities (See **Institutional Facilities** in **Section 1-007**).
- G. Religious facilities (See **Religious Facilities** in **Section 1-007**).
- H. Child day care centers (See **Child Day Care Facilities** in **Section 1-007**). (Effective 12/6/2022)
- I. Recreational facilities conducted completely within a building approved for the use (See **Recreational Facilities** in **Section 1-007**).
- J. Drop-off dry cleaning establishments (See **Dry-Cleaning Establishments** in **Section 1-007**).
- K. Medical establishments (See **Medical Establishments** in **Section 1-007**).
- L. Office establishments (See **Office Establishments** in **Section 1-007**).
- M. Conference facilities (See **Conference Facilities** in **Section 1-007**).
- N. Convention centers (See **Convention Center** in **Section 1-007**).
- O. Entertainment rental and rent-to-own establishments (See **Rental Establishments** in **Section 1-007**).
- P. Hotels and motels (See **Hotel And Motel** in **Section 1-007**).
- Q. Antique stores, used book shops, consignment shops, and thrift shops (See **Resale Establishments** in **Section 1-007**).
- R. Funeral home establishments (See **Funeral Home Establishments** in **Section 1-007**).
- S. Veterinary establishments (See **Veterinary Establishments** in **Section 1-007**).
- T. Vehicle lease or rental agencies (See **Vehicle Lease Or Rental Agency** in **Section 1-007**), including such uses with outdoor vehicle inventory storage.
- U. Precious metal and gem dealers (See **Section 1-006**) in conformance with **Section 2-602**.
- V. Public utility facilities, public utility buildings, and public utility hardware (See **Public Utility** in **Section 1-007**).
- W. Licensed medical marihuana provisioning centers that comply with the applicable regulations in **Section 2-604**. (See **MEDICAL MARIHUANA USES AND DEFINED TERMS** in **Section 1-007**).
- X. Electric Vehicle Charging Stations (See **Electric Vehicle Charging Stations** in **Section 1-007**). (Effective 5/4/2021)
- Y. Outfitters (See **Outfitters** in **Section 1-007**). (Effective 8/17/2021)
- Z. Licensed adult marihuana retailers that comply with the applicable regulations in **Section 2-605** (See **Marihuana Adult Establishments Uses Defined Terms** in **Section 1-007**). (Effective 7/25/2023)

3-706.4. Permitted Uses after Wellhead Protection Compliance. The following uses shall be permitted as principal permitted uses in the C-4 district, subject to receiving a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration through the applicable site plan review procedure in accordance with **Section 4-004**:

- A. Landscaping maintenance establishments (*See Commercial Service Establishments in Section 1-007*) provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building.
- B. Local dry-cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
- C. Commercial dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).

3-706.5. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-4 district, subject to the review and approval of the use in accordance with **Section 4-006** and any conditions hereinafter imposed for each such use:

- A. Recreation facilities (*See Recreational Facilities in Section 1-007*) containing both indoor and outdoor facilities.
- B. Commercial storage establishments (*See Commercial Storage Establishments in Section 1-007*), provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
- C. Flea markets (*See Resale Establishments in Section 1-007*) in conformance with **Section 2-602**.
- D. Outdoor storage as an accessory use for the uses listed in **Sections 3-706.3.A** and **3-706.3.B**, provided that all outdoor storage areas associated with such a use shall be located to the rear of the principal building. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a more intensive zoning district as well as additional screening and barriers when the subject zoning lot abuts a residential zoning district.
- E. Adult entertainment uses (*See Adult Entertainment Use in Section 1-007*) in conformance with **Section 2-601** and **Section 2-602**.
- F. Pawnshops and second-hand dealers (*See Section 1-006*) in conformance with **Section 2-602**.
- G. Massage Establishments and massage schools (*See Section 1-006*) in conformance with **Section 2-602**.
- H. Elder care facilities (*See Elder Care Facilities in Section 1-007*). (Effective 3/2/2021)
- I. Halfway houses (*See Halfway House in Section 1-007*).
- J. Home display courts (*See Home Display Court in Section 1-007*).
- K. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a determination of compliance with wellhead protection from the Public Works Official as defined and regulated by the **Waterford Code of Ordinances** prior to consideration by the Planning Commission under this Section:
 - (1) Commercial fueling establishments (*See Commercial Fueling Establishments in Section 1-007*).
 - (2) Propane filling facilities as an ancillary use (*See Use in Section 1-007*) for permitted uses identified in **Sections 3-706.3.A, 3-706.3.3-706.3.B, and 3-706.3.V**.
 - (3) Major vehicle repair facilities (*See Vehicle Repair Facilities in Section 1-007*).
 - (4) Fueling facilities as an ancillary use (*See Use in Section 1-007*) for permitted uses identified in **Sections 3-706.3.Q, 3-706.3.T, and 3-706.3.V**.
 - (5) Major vehicle repair facilities and outdoor storage of materials and equipment as accessory uses to a public utility building, providing that all outdoor storage areas are located in a rear yard, which may include yard area that may also be a side yard of a corner lot. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a higher intensity use zoning district under **DIVISION 3-8** as well as additional screening and barriers.
 - (6) Light equipment rental establishments (*See Rental Establishments in Section 1-007*), with outdoor display and storage. (Effective 3/7/23)
 - (7) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*), with outdoor display and storage. (Effective 3/7/23)
 - (8) Nursery establishments (*See Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007*) with outdoor storage.
- L. Kennel (See **Kennel in Section 1-007**). (Effective 5/4/2021)
- M. Medium-scale wind energy systems (*See Alternative Energy System in Section 1-007*), provided that if special approval is granted all MWES components shall be inspected and approved by the Building Official in accordance with **Section 4-016**.
- N. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) with drive-thru facilities. (Effective 11/30/2021)

3-706.6. Transient Uses. Subject to review in accordance with **Section 4-012** and in conjunction with receiving a license in accordance with the **Waterford Code of Ordinances, Transient Merchants**, transient uses (See **Use in Section 1-007**) may be conducted upon zoning lots in the C-4 zoning district.

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

- A. Subject to review and approval in accordance with **Section 4-005**, planned unit developments are permitted on a zoning lot or group of abutting zoning lots having a size of up to ten (10) acres of buildable area, for mixed uses that incorporate one or more of the uses listed in **Section 3-706.3** with one or more of the uses listed in **Section 3-706.4, Section 3-706.5, Section 3-404.3.A**, and/or dwelling units located above commercial uses.
- B. Subject to review and approval in accordance with **Section 4-005**, planned unit developments are permitted on a zoning lot or group of abutting zoning lots having a size of ten (10) acres or more of buildable area, for mixed uses that incorporate one or more of the uses listed in **Section 3-706.3** with one or more of the uses listed in **Section 3-706.4, Section 3-706.5, Section 3-404.3.A, Section 3-404.3.B, Section 3-404.4.B, Section 3-503.3.D, Section 3-805.3.A**, dwelling units located above commercial uses, and/or other uses as recommended by the Planning Commission and approved by the Township Board.

SECTION 3-707. 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. Child day care centers (See **Child Day Care Facilities** in **Section 1-007**). (Effective 12/6/2022)
- G. Drop-off 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. Bar/lounges, brewpubs, cabaret/night clubs, cafeterias, carryout restaurants, and fast food/delicatessen/sandwich shop restaurants (See **Restaurant Establishments** in **Section 1-007**).
- 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. Private clubs and philanthropic institutions (See **Institutional Facilities** in **Section 1-007**).
- N. Fitness centers and health/recreation facilities (See **Recreational Facilities** in **Section 1-007**).
- O. Antique stores, used book shops, consignment shops, and thrift shops (See **Resale Establishments** in **Section 1-007**).
- P. Public utility facilities and public utility hardware (See **Public Utility** in **Section 1-007**).
- Q. Outfitters (See **Outfitters** in **Section 1-007**). (Effective 8/17/2021)
- R. 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**). Effective 4/5/2022)

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 4-00

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 8/4/2020)

- A. The uses permitted under **Section 3-703.3.J** 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)
- F. **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) **Nursery Establishments** (*See Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007*)

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 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**). (Effective 4/5/2022)

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. 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)

I. 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) Nursery Establishments (*See Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007*)

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

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2024-Z-002

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Business Zoning Districts C-1, C-2, C-3, C-4, C-UB, C-UL to add nursery establishments as permitted uses either after special approval or after wellhead compliance.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-703.4 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-1 Neighborhood Business Zoning District, is amended to add a new section F for nursery establishment to read as follows:

3-703.4. Permitted Uses after Special Approval. The following uses shall be permitted as special approval uses in the C-1 district, 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-E (unchanged)

F. 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) Nursery Establishments (See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007).

Section 2 of Ordinance

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

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

F. 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) Minor vehicle service facilities (*See Vehicle Repair Facilities in Error! Reference source not found.*).
- (2) Nursery Establishments (*See Commercial Bulk Vegetation and Soil Resource Establishments in Error! Reference source not found.*).

Section 3 of Ordinance

Section 3-705.5 of the Waterford Township Zoning Ordinance that lists permitted uses as special approval uses in the C-3 General Business District, is amended to in subsection S to add a new subsection S(5) to read as follows:

3-705.5. Permitted Uses After Special Approval. The following uses shall be permitted as special approval uses in the C-3 district subject to the review and approval of the use in accordance with *Error! Reference source not found.* and any conditions hereinafter imposed for each such use:

A-R (unchanged)

S. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the Waterford Code of Ordinances prior to consideration by the Planning Commission under this Section.

- (1) On zoning lots with a net lot area exceeding one (1) acre, light equipment rental establishments (See Rental Establishments in Section 1-007) and new vehicle dealer, used vehicle dealer, and vehicle broker dealer establishmens (See Vehicle Dealer Establishments in Section 1-007) with outdoor display or storage.
- (2) Commercial fueling establisements (See Commercial Fueling Establishments in Section 1-007).
- (3) Propane fueling establishments (See Uses in Section 1-007) for permitted uses identified in Sections 3-705.3.A and 3-705.3.B.
- (4) Minor vehicle service facilities, general vehicle service facilities, and major vehicle service facilities (See Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007).
- (5) Nursery Establishments (See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007).

T. Unchanged

Section 4 of Ordinance

Section 3-706.5 of the Waterford Township Zoning Ordinance that lists permitted uses as special approval uses in the C-4 Extensive Business District, is amended to revise subsection K to add a new subsection K(8) to read as follows:

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

K. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a Determination of Compliance with Wellhead Protection from the Public Works Official as defined and regulated by the Waterford Code of Ordinances prior to consideration by the Planning Commission under this Section:

- (1) Commercial fueling establishments (See Commercial Fueling Establishments in Section 1-007).
- (2) Propane fueling establishments (See Uses in Section 1-007) for permitted uses identified in Sections 3-706.3.A, 3-706.3., 3-706.3.B, and 3-706.3.V.
- (3) Major vehicle repair facilities (See Vehicle Repair Facilities in Section 1-007).
- (4) Fueling facilities as an ancillary use (See Use in Section 1-007) for permitted uses identified in Sections 3-706.3.Q, 3-706.3.T, and 3-706.3.V.
- (5) Major vehicle repair facilities and outdoor storage of materials and equipment as accessory uses to a public utility building, providing that all outdoor storage areas are located in a rear yard, which may include yard area that may also be a side yard or a corner lot. The Planning Commission may stipulate a reasonable increase of setback requirements to that of a higher intensity use zoning district **under Division 3-8** as well as additional screening and barriers.
- (6) Light equipment rental establishments (See Rental Establishments in Section 1-007), with outdoor display and storage.
- (7) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (See Vehicle Dealer Establishments in Section 1-007) with outdoor display or storage.
- (8) Nursery Establishments (See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007).

L-N (unchanged)

Section 5 of Ordinance

Section 3-707.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-UB Business District, is amended to add a new section F for nursery establishments to read as follows:

3-707.5. Permitted Principal Uses after Special Approval.

The following uses shall be permitted as special approval uses in accordance with Section 4-006 and any conditions hereinafter imposes for each such use:

A- E (unchanged)

F. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a determination of Wellhead Compliance 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) Nursery Establishments (See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007).

Section 6 of Ordinance

Section 3-708.5 of the Waterford Township Zoning Ordinance that lists permitted uses after special approval in the C-UL Union Lake Business District, is amended to add a new Section I for nursery establishments, to read as follows:

3-708.5. Permitted Uses after Special Approval.

The following uses shall be permitted as special approval uses in accordance with Section 4-006 and any conditions hereinafter imposes for each such use:

A- H (unchanged)

I. The following uses shall be considered for special approval, provided that the proposed use and site plan receives a determination of Wellhead Compliance 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) Nursery Establishments (See Commercial Bulk Vegetation and Soil Resource Establishments in Section 1-007).

Section 7 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 8 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 9 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 10 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