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**DEVELOPMENT SERVICES  
DEPARTMENT**

Jeffrey M. Polkowski, AICP  
*Director*

**Rick Hutchinson**  
*Superintendent of  
Building Division*

**Scott Alef**  
*CDBG Coordinator*

## MEMORANDUM

Date: June 3, 2025

To: Honorable Township Board Members  
From: Jeffrey M. Polkowski, Director of Development  
RE: 2025-Z-008  
Extending the Moratorium on the Approval of New Vape and Smoking Stores

On June 23, 2025, the Board of Trustees of the Charter Township of Waterford adopted a Zoning Ordinance Text Amendment enacting a temporary moratorium on the submission of site plan review applications for Vape and Smoking Shops under Section 4-004 of the Zoning Ordinance. Initially enacted for six months, the moratorium proposed to be extended an additional six months, now set to expire on February 25, 2026, unless rescinded earlier by the Board of Trustees. This pause is intended to allow Township officials sufficient time to review existing zoning regulations pertaining to Vape and Smoking Shops and consider the implementation of new or revised regulations as necessary to address community health, safety, and welfare concerns. The Planning Commission held a study session on January 14, 2025 where the Planning Commission and Township staff discussed possible regulations to consider and received input from members of the public. Additional time is needed to evaluate possible regulations to recommend to the Board of Trustees.

Over the course of several weeks during 2024, the Waterford Township Police Department has identified nineteen of the sixty three vape and smoke shops that violated State law by selling vape products to a person under the age of twenty-one.

In addition to federal and state regulations governing the sale and advertising of tobacco products, the Township has the authority to impose certain local regulations related to the time, place, and manner of such businesses. The Centers for Disease Control (CDC) has raised concerns about the health impacts of tobacco and e-cigarette use, particularly among youth and young adults. In response to these concerns, the Township Board seeks to establish regulations that prioritize public health and safety while addressing the growing presence of vape and smoking stores within the Township.

This proposed moratorium would impose a temporary suspension on the acceptance of applications for site plan approval and business registration for new vape and smoking stores in Waterford Township. This moratorium will allow Township Staff and the Township Attorney ample time to draft potential amendments to the Township's Zoning

Ordinance and Code of Ordinances regarding the location and regulation of such establishments.

The definition of vape and smoking shops is as follows:

**VAPE AND SMOKING STORE.** A retail establishment in which articles for sale are primarily limited to a range of tobacco or other nicotine related products and/or paraphernalia for the administration of tobacco or other nicotine related products. To complement such items these establishments may also include the limited retail sale of food and drink items.

By imposing this moratorium, Waterford Township will be able to take the necessary time to make informed decisions regarding regulations that are in the best interest of the community.

### **Planning Commission Recommendation and Findings**

The Planning Commission reviewed this proposed zoning ordinance amendment and resolution at the regularly scheduled meeting on May 28, 2025, and resolved unanimously to forward a favorable recommendation to the Township Board.

### **Motions**

Based upon the Planning Commission's favorable recommendation at the May 28, 2025 regular meeting of the Planning Commission, should the Board want to consider adopting the zoning ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the June 23, 2025 meeting. However, if the Board does not want to adopt the zoning ordinance amendment, the appropriate motion would be to not introduce the ordinance and deny the zoning amendment.

In addition to the proposed zoning ordinance amendment, it is recommended that the Board of Trustees adopt a resolution extending the six-month moratorium on accepting applications for site plan approval and business registration for new vape and smoking stores within the Township. Property or business owners affected by the moratorium may request a hearing within 45 days to demonstrate that it prevents viable economic use of their property or violates state or federal law. If the Board determines the request is valid, relief from the moratorium may be granted.

Please let me know if you have any questions prior to the meeting.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD  
ORDINANCE NO. 2025-Z-008

**TEXT AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) for the purpose of adding a definition and to impose a temporary moratorium on applications.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

The Board of Trustees imposed a temporary moratorium on applications under Section 4-004 of the Zoning Ordinance for site plan review of Vape and Smoking Shops for a period of six (6) months, which has been extended an additional six (6) months until February 25, 2026, unless ended earlier by the Board of Trustees, to provide needed time to review and consider possible necessary regulations.

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

**CERTIFICATION**

I certify that this Zoning Ordinance Text Amendment was adopted by a majority vote of the members of the Board of Trustees of the Charter Township of Waterford at a meeting duly called and held on June 23, 2025.

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Date

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Kimberly Markee, Township Clerk

## CHARTER TOWNSHIP

### RESOLUTION EXTENDING A MORATORIUM ON THE APPROVAL OF NEW VAPE AND SMOKING STORES WITHIN WATERFORD TOWNSHIP

**WHEREAS**, the Charter Township Act, Public Act 359 of 1947, MCL 42.15 authorizes a township board to enact ordinances necessary to provide for the health and safety of people within the Township.

**WHEREAS**, the Township currently has approximately nineteen retail establishments that primarily sell only a limited range of tobacco or other nicotine related products and/or paraphernalia for the administration of tobacco or other nicotine related products.

**WHEREAS**, the Center for Disease Control, (“CDC”) states on its website [www.cdc.gov](http://www.cdc.gov) that no tobacco products, including e-cigarettes are safe and that e-cigarettes should not be used by youth, young adults, or women who are pregnant. The CDC also states that in 2021, 61.4% of adults 18-24 years of age reported they have vaped.

**WHEREAS**, there are several federal and state laws, which regulate the sale and advertising of tobacco products, however, there are certain time, place, and manner regulations a municipality may put in place.

**WHEREAS**, the Board of Trustees finds that it is beneficial to the health and safety of its residents to consider standards to regulate the location of and advertising by new vape and smoking stores as well as determine if there are other appropriate legally permissible regulations for new vape and smoking stores that wish to locate within the Township.

**WHEREAS**, on January 13, 2025, the Board of Trustees determined that it was in the public interest to impose a temporary six (6) month moratorium, until July 25, 2025, on applications for site plan approval under the Zoning Ordinance for vape and smoking stores in order to review and consider necessary regulations.

**WHEREAS**, during the Planning Commission meeting on January 14, 2025, the Planning Commission and Township staff discussed possible regulations to consider and received input from members of the public. Additional time is needed to evaluate possible regulations to recommend to the Board of Trustees.

**WHEREAS**, the Board of Trustees determines that it is in the public interest to extend for an additional six (6) months the temporary moratorium on applications for site plan approval under the Zoning Ordinance for vape and smoking stores in order to review and consider necessary regulations.

**BE IS RESOLVED**, by the Waterford Township Board of Trustees that a moratorium be imposed barring the acceptance of applications for site plan approval and business registration for new vape and smoking stores to locate within the Township shall be extended for an additional

period of six (6) months, until February 25, 2026, or the date that the Board of Trustees repeals this Resolution, whichever occurs first.

**BE IT FURTHER RESOLVED**, that during the additional 6-month moratorium, or any extension thereof, the Board of Trustees, along with the Planning Commission and appropriate staff and consultants, shall attend to reviewing and making recommendations on amendments to the Zoning Ordinance and Code of Ordinances, considering the public health, safety, and welfare of its residents, and if amendments are determined to be necessary, preparing and recommending such amendments for consideration by the Board of Trustees.

**BE IT FURTHER RESOLVED**, that an aggrieved property owner or business owner may request and be entitled to a hearing by the Board of Trustees for the purpose of attempting to demonstrate that the moratorium will preclude all viable economic use of their property or otherwise violate applicable provisions of state or federal law. Said petitioner shall, in writing and directed to the Township Clerk, request a hearing that describes the grounds of the request. The hearing shall be held during a Board of Trustee meeting within forty-five (45) days of receipt of the request. Upon concluding the hearing, the Board of Trustees shall determine whether the petitioner has made the required demonstration and if so, shall grant relief from the moratorium.

**BE IT FURTHER RESOLVED**, that notice of this Resolution shall be posted at the Township Hall and on the Township website throughout the moratorium period, or any extension granted herein.

#### **CERTIFICATION**

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting on June 2023, 2025.

Charter Township of Waterford

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Date

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Kimberly Markee, Township Clerk