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Jeffrey M. Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: February 1, 2021

To: Honorable Township Board Members

From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning

RE: Item# 2021-Z-005
Proposed Zoning Ordinance Text Amendment
C-3, General Business District
C-4, Extensive Business District

Attached for your review and consideration, please find two (2) proposed Zoning Ordinance Text Amendments.

Description

This ordinance amendment was initiated after a pre-application meeting to discuss a proposed Elder Care facility within the Township. Currently, Elderly Care Facilities are only allowed in the R-M2, Multiple Family Residential District. However, due to the nature, size, and traffic generated by large Elderly Care Facilities, developers have been interested in large commercially zoned properties prominently that are positioned along arterial streets. This has resulted in the long-term practice of rezoning C-3 and C-4 properties into Multiple Family Residential Zoning Districts in a disorganized fashion to accommodate a land use that would already meet the development fabric of the previously existing Commercially Zoned District.

In an attempt to guide responsible multifamily zoning, promote mixed use land uses, and shepherd sustainable urban growth, Township staff recommends allowing Elderly Care Facilities within Commercially Zoned Districts, after a public review and approval by the Planning Commission.

The proposed ordinance amendment would allow for Elderly Care Facilities to be developed in both the C-3, General Business and C-4 Extensive Business Zoning Districts with Special Use Approval. I have attached a map highlighting the affected parcels within the Township.

Section 1-007 of the Zoning Ordinance defines Elder Care Facilities as:

ELDER CARE FACILITIES. *An establishment consisting of a building or group of buildings designed or used in whole or in part to provide for the housing and care of senior citizens, as defined by Public Act 453 of 1976, the Elliott-Larsen Civil Rights Act, as amended. Ancillary areas shall be considered under this Zoning Ordinance as an integral component of elder care facilities and be defined as uses and facilities which are not necessarily residential in character but are essential to the residential function of elder care facilities. Ancillary areas may include but are not limited to: public lobbies, common laundry facilities, tenant interior storage areas, management offices, mail and receiving areas, home health services, meal*

preparation facilities, common dining areas, maid and linen services, recreation areas, personal grooming services, grocery services, pharmacy services, and banking services. For purposes of this Zoning Ordinance, elder care facilities shall include the following types of facilities:

Assisted Living Facilities. *An elder care facility consisting of a group of dwelling units designed for elderly residents who are generally capable of living and caring for themselves independently, with access to ancillary areas.*

Convalescent or Skilled Nursing Facilities. *An elder care facility consisting of sleeping units, where persons are housed or lodged and are furnished with meals, nursing and/or medical care for three (3) or more persons.*

Elder Congregate Care Facilities. *An elder care facility providing accommodation for three or more elderly or handicapped persons in sleeping units, with or without kitchen facilities, while providing all other care and services through ancillary areas.*

Independent Living Facilities. *An elder care facility designed and operated for elderly people in good health who desire and are capable of maintaining independent households. Such housing may provide certain services such as security, housekeeping and recreational and social activities.*

Retirement Community Continuing Care Facilities. *An elder care facility providing a continuum of accommodations and care, generally including a mixture of assisted living, elder congregate care, and skilled nursing facilities.*

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed Rezoning at the regularly scheduled meeting on January 26, 2021 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission's favorable recommendation at the January 26, 2021 regular meeting for this zoning ordinance amendment, should the Board want to consider adopting the proposed ordinance amendment, the appropriate motion would be to introduce the attached Ordinance and schedule it for possible adoption at the February 22, 2021 meeting. However, if the Board does not want to adopt the requested rezoning, the appropriate motion would be to not introduce the Ordinance and deny the rezoning.

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.

(ARTICLE III, DIVISION 3-7 *cont.*)

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:

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 **Sections 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.
2. **Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with **Sections 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. **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. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - E. Professional medical care offices and medical clinics (*See Medical Establishments in Section 1-007*).
 - F. Office establishments (*See Office Establishments in Section 1-007*).
 - G. Restaurant establishments (*See Restaurant Establishments in Section 1-007*) without outdoor dining patios.
 - H. Entertainment rental establishments and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
 - I. Entertainment activity centers and theaters (*See Entertainment Establishments in Section 1-007*).
 - J. Hotels and motels (*See Hotel and Motel in Section 1-007*).
 - K. Fitness centers and health/recreation facilities (*See Recreational Facilities in Section 1-007*).
 - L. Antique stores, used book shops, consignment shops, and thrift shops (*See Resale Establishments in Section 1-007*).
 - M. 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.
 - N. Funeral home establishments (*See Funeral Home Establishments in Section 1-007*).
 - O. Precious metal and gem dealers (*See Section 1-006*) in conformance with **Section 2-602**.
 - P. Public utility facilities and public utility hardware (*See Public Utility in Section 1-007*).
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*).
 - C. Minor vehicle service facilities and general vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).

(ARTICLE III, DIVISION 3-7, SECTION 3-705 cont.)

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 Facilities 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*).
- 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. 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](#).
 - (4) Major vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).

(ARTICLE III, DIVISION 3-7 *cont.*)

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:

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.
2. **Conformance to Regulatory Standards.** All zoning lots, uses, buildings, and structures within this zoning district shall comply with Sections 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. **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*).
 - D. Entertainment establishments (*See Entertainment Establishments in Section 1-007*).
 - E. Cultural facilities (*See Cultural Facilities 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. Recreational facilities conducted completely within a building approved for the use (*See Recreational Facilities in Section 1-007*).
 - I. Drop-off dry cleaning establishments (*See Dry-Cleaning Establishments in Section 1-007*).
 - J. Medical establishments (*See Medical Establishments in Section 1-007*).
 - K. Office establishments (*See Office Establishments in Section 1-007*).
 - L. Conference facilities (*See Conference Facility in Section 1-007*).
 - M. Convention centers (*See Convention Centers in Section 1-007*).
 - N. Entertainment rental and rent-to-own establishments (*See Rental Establishments in Section 1-007*).
 - O. Hotels and motels (*See Hotel and Motel in Section 1-007*).
 - P. Antique stores, used book shops, consignment shops, and thrift shops (*See Resale Establishments in Section 1-007*).
 - Q. Funeral home establishments (*See Funeral Home Establishment in Section 1-007*).
 - R. Veterinary establishments (*See Veterinary Establishments in Section 1-007*).
 - S. 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.
 - 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*).

(Effective 12/20/2018)
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*).

(ARTICLE III, DIVISION 3-7, SECTION 3-706.4 cont.)

- D. Minor vehicle service facilities and general vehicle service facilities (*See Vehicle Repair Facilities in Section 1-007*).
- E. On zoning lots with a net lot area exceeding one (1) acre:
 - (1) Light equipment rental establishments (*See Rental Establishments in Section 1-007*), with outdoor display and storage.
 - (2) New vehicle dealer, used vehicle dealer, and vehicle broker dealer establishments (*See Vehicle Dealer Establishments in Section 1-007*), with outdoor display and storage.
- 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 **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 **Sections 2-601 and 2-602**.
 - F. Pawnshops and second-hand dealers (*See Section 1-006*) in conformance with **Section 2-602**.
 - G. Massage parlors and massage schools (*See Section 1-006*) in conformance with **Sections 2-602**.
 - H. Elder care facilities (*See Elder Care Facilities in Section 1-007*).
 - 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.B, and 3-706.3.V**.
 - (3) Major vehicle repair facilities (*See Vehicle Repair Facilities in Section 1-007*).
 - (4). ~~For fueling, flammable, explosive, dangerous, and toxic use~~ (*See Use in Section 1-007*) for permitted uses identified in **Sections 3-706.3.A, 3-706.3.B, 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. (Effective 12/20/2018)
 - L. Medium-scale wind energy systems (*See Alternative Energy Systems 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**.
 - 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.
 - 7. Planned Unit Developments.** (Effective 11/03/2012)
 - 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.

(ARTICLE III, DIVISION 3-7, SECTION 3-706.7 cont.)

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 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.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2021-Z-005

TEXT AMENDMENTS TO ZONING ORDINANCE

An ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (Zoning Ordinance) to amend the Zoning Ordinance by adding Elder Care Facilities to the the C-3, General Business and C-4, Extensive Business Districts as a Permitted Use after Special Approval THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-705.5. Permitted Uses after Special Approval of the Waterford Township Zoning Ordinance for the C-3, General Business District, is amended to include the following:

E. Elder care facilities (*See Elder Care Facilities in Section 1-007*).

Section 2 of Ordinance

Section 3-706.5. Permitted Uses after Special Approval of the Waterford Township Zoning Ordinance for the C-4, Intensive Business District, is amended to include the following:

H. Elder care facilities (*See Elder Care Facilities in Section 1-007*).

Section 3 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 _____, 2021.

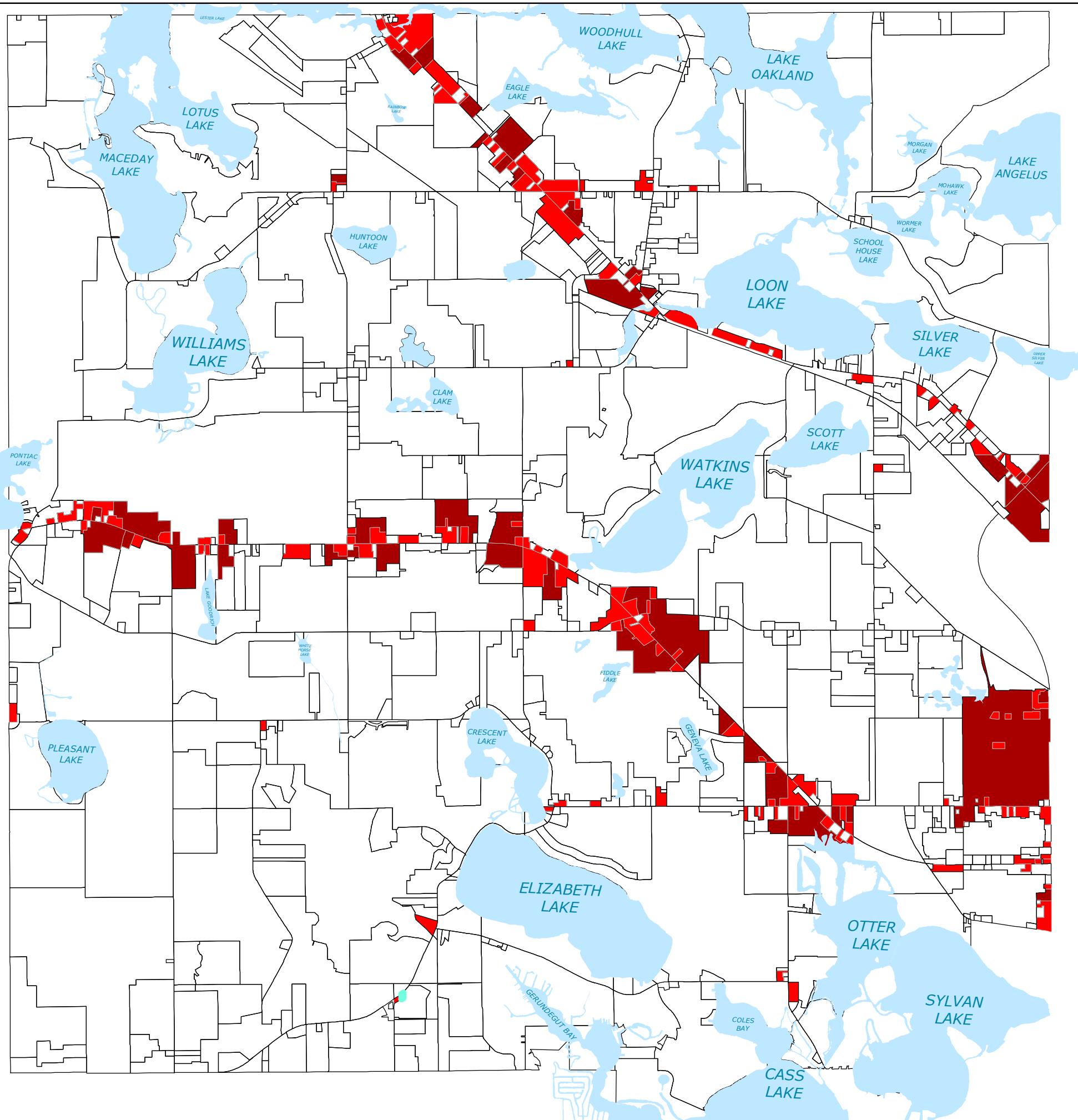
Date

Kim Markee, Township Clerk

Introduced:

Adopted:

Published:



Proposed Zoning Ordinance Text Amendment
Case No. 21-01-01
2021-Z-005
C-3, General Business
C-4, Extensive Business
Proposed Elderly Housing

Legend

- Lakes
- C-4, Extensive Business
- C-3, General Business
- All Other Zoning Districts

Charter Township of Waterford
Development Services Department
Planning and Zoning Division

Drawn By: J. Polkowski
January 21, 2021