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**DEVELOPMENT SERVICES  
DEPARTMENT**

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

Dave Hills  
Superintendent of Building  
Division

## **MEMORANDUM**

Date: June 6, 2023  
To: Honorable Township Board of Trustees  
From: Jeffrey M. Polkowski, Superintendent of Planning and Zoning  
RE: Text Amendment: Building Height Ordinance Amendment

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

The first proposed Zoning Ordinance Amendment would increase the maximum allowable height for a principal building in both the M-1 and M-2 zoning districts.

While many industrial properties can be considered significant nuisances when left unchecked through a poorly written zoning ordinance, a strong industrial sector is essential to the economic vitality of any municipality.

Historically, Waterford Township has struggled to attract desirable users within its prominently located industrially zoned districts. As a result, these valuable properties are often passed over by attractive industrial tenants and forfeited to less optimal land uses such as boat storage lots and junk dismantling yards. This struggle is due in part to the limiting height restrictions within the M-1 and M-2 zoning district.

Many modern day manufacturing and assembly facilities would not be able to operate within a 30' or 40' warehouse. Often these uses now employ prefabricated structures designed to accommodate business well beyond these heights. This ordinance amendment proposes increasing the maximum building height for the M-1 and M-2 districts to meet the same maximum building height of the HT-2 zoning district. The HT-2 zoning district is intended to be a less intense industrial zoning district than the M-1 and M-2 and therefore should have the same, or less of a maximum building height restriction than either the M-1 or M-2 zoning district.

The second proposed Zoning Ordinance Amendment would match any properties acting as M-1 zoned lots within the Summit Place Overlay District to reflect the height of a regular M-1 zoned property.

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

The Planning Commission reviewed this proposed Zoning Ordinance amendment at the regularly scheduled meeting on May 23, 2023 and resolved unanimously, to forward a favorable recommendation to the Township Board.

*With us there are no  
boundaries*

**Motions**

Based upon the Planning Commission's favorable recommendation at the May 23, 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 June 26, 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 Tuesday night's meeting, please do not hesitate to reach out to me.

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CHARTER TOWNSHIP OF WATERFORD

ORDINANCE NO. 2023-Z-011

**TEXT AMENDMENT TO ZONING ORDINANCE**

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) in Section 3-709 OV-SP, Summit Place Overlay District to clarify the dimensional standard of maximum permitted height for the M-1 District and in Section 3-900 Table of Zoning Lot, Area and Bulk Regulations to amended maximum for the M-1 and M-2 Districts.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

**Section 1 of Ordinance**

Section 3-709.7 of the Waterford Township Zoning Ordinance that lists dimensional standards shall be amended to change the maximum building height in the M-1 District from 30’ to 50’ to read as follows:

**3-709.7. Dimensional Standards** Subject to modification as provided in subsections B, D, and E or a Planning Commission final determination to reduce required setbacks or to increase maximum building height made as a requirement and condition of site plan approval, the lot dimensional standards for land in the District are as follows, with these standards being based on the Table of Regulations in *Section 3-900* as modified for the District and all Footnotes to that Table *in Section 3-901*:

A. Table of District Lot, Area, and Bulk Regulations.

For Uses Listed in Districts:	Impervious Surface Max	Min Lot Size-sf	Min Lot Width-ft	Max Building Height-ft	Front Setback-ft	Side Setback-ft	Rear Setback-ft
RM-2	50%	43,560	150'	36'	3-901.8	3-901.8	3-901.8
O-2	50%	43,560	100'	50'	35'	20'/40'	20'
C-1	50%	7,500	60'	24'	25'	15'/30'	20'
C-2	50%	9,000	70'	24'	25'	15'/30'	20'
C-3	50%	24,000	90'	40'	25'	20'/40'	20'
C-4	50%	87,120	150'	40'	30'	20'/40'	20'
HT-1	50%	21,780	100'	30'	25'	15'/30'	30'
HT-2	50%	43,560	120'	50'	35'	15'/30'	40'
M-1	50%	43,560	150'	50'	40'	15'/40'	40'

B- E (unchanged)

**Section 2 of Ordinance**

Section 3-900 of the Waterford Township Zoning Ordinance that provides a table on Zoning Lot, Area, and Bulk Regulation shall be amended to clarify the maximum height for buildings in the M-1 and M-2 Districts to read as follows:

**3-900 TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS, CONT.**

ZONING DISTRICT	Maximum Height of Building		Minimum Yard Setback In Feet <i>(Refer to Footnote 4 for front setback where noted below)</i>				Minimum Floor Area Per Dwelling Unit In Sq. Ft.
	In Stories	In Feet	Front	Sides <i>(Refer to Footnote 7)</i>		Rear	
				Least One	Total of Two		
R-1 Single-Family	2	30	35 <sup>4</sup> & 8	10	20	35	1,100
R-1A Single-Family	2	30	35 <sup>4</sup> & 8	10 <sup>8</sup>	20 <sup>8</sup>	35	1,100
R-1B Single-Family	2	30	35 <sup>4</sup> & 8	5 <sup>8</sup>	10 <sup>8</sup>	35	800
R-1C Single-Family	2	30	35 <sup>4</sup> & 8	5 <sup>8</sup>	10 <sup>8</sup>	35	800
R-1D Duplex (Two Family)	2	30	35	10	20	35	800
R-1E Single-Family Attached	2	30	<i>Refer to Footnote 8</i>				800
R-M1 Low Density Multiple-	2	30	<i>Refer to Footnote 8</i>				<i>Refer to Footnote 9</i>
R-M2 Multiple-Family <i>(Refer to Footnote 10 for allowances for</i>	3	35	<i>Refer to Footnote 8</i>				<i>Refer to Footnote 9</i>
R-MH Mobile Home Park	1	15	20	10	35	10	n/a
O-1 Local Office	2	30	35	15	30	20	n/a
O-2 General Office	4	50	35	20	40	20	n/a
C-1 Neighborhood Business	1	20	25	15	30	20	n/a
C-2 Small Business	1	20	25	15	30	20	n/a
C-3 General Business	2	40	25	20	40	20	n/a
C-4 Extensive Business	2	40	30	20	40	20	n/a
C-UB Urban Business	2	40	25	15	30	20	n/a
C-UL Union Lake Business	2	40	25	15	30	20	n/a
PL Public Lands	2	40	25	20	40	20	n/a
CR Commercial Recreation	2	40	25	20	40	20	n/a
A-1 Airport	<i>As authorized by the Airport Manager, with setbacks from all State highways and County roads compliant with M-1 requirements</i>						n/a
HT-1 High Tech Office	2	30	25	15	30	30	n/a
HT-2 High Tech Industrial and	4	50	35	15	30	40	n/a
M-1 Light Industrial	2	50	40	15	40	40	n/a
M-2 General Industrial	3	50	50	20	60	50	n/a

**Section 3 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 26, 2023, 2023.

\_\_\_\_\_

Date

\_\_\_\_\_

Kimberly Markee, Township Clerk

**SECTION 3-709. OV-SP, SUMMIT PLACE OVERLAY ZONING DISTRICT**

(Amended 6/30/20)

**3-709.1. District Establishment and Zoning Map Amendment.** As provided for in *Section 3-700* of this Ordinance, the "Summit Place Overlay Zoning District", referred to in this Section as the "District", is hereby adopted and established on the property shown and described on and in the attached Appendix, with the Zoning Map that is adopted by and made part of the Waterford Township Zoning Ordinance in Section 3-101 to be amended to identify and show this Overlay District, which supplements without amending the existing commercial zoning district classification of the property in the Overlay District.

**3-709.2. Purpose and Intent.** In recognition of the changed economic and market conditions that that have limited the potential users of District properties for traditional retail and other commercial uses, the District and regulations in this Section are adopted for the purpose and with the intent to encourage and facilitate the rehabilitation and redevelopment of District properties to productive uses by providing more flexible regulations that expand the types of permitted uses and simplifies the approval process.

**3-709.3. Uses Allowed.** Subject to the exceptions and complying with all applicable conditions or requirements identified in this Section, the following uses shall be permitted principal uses in the District:

- A. Permitted principal uses, permitted uses after wellhead compliance, and special approval uses that are listed in *Section 3-702, 3-703, 3-704, 3-705, 3-706*, as allowed in the C-1, C-2, C-3, and C-4 Districts, except:
- (1) Commercial outdoor storage establishments involving the outdoor storage of soil resources, landscaping materials, or landscaping vegetation (as defined under *Commercial Bulk Vegetation And Soil Resource Establishments in Section 1-007*), which are not allowed.
  - (2) In the underlying C-3 District, the following, which shall remain special approval uses:
    - (A) Hospitals.
    - (B) Veterinary hospitals.
    - (C) Pawnshops and second-hand dealers in conformance with *Section 2-602*.
    - (D) Substance abuse care centers and transitional medical care facilities.
    - (E) Massage schools in conformance with *Section 2-602*.
  - (3) In the underlying C-4 District, the following which shall remain special approval uses:
    - (A) Adult entertainment uses in conformance with *Section 2-601*.
    - (B) Massage parlors and massage schools in conformance with *Section 2-602*.
    - (C) Halfway houses.
    - (D) Home display courts.
    - (E) Medium-scale wind energy systems.
    - (F) Flea markets in conformance with *Section 2-602*.
- B. Permitted principal uses and special approval uses that are listed in *Section 3-802, 3-804, and 3-805* as allowed in the HT-1 and HT-2 Districts.
- C. The following permitted principal uses and special approval uses that are listed in *Section 3-404* as allowed in the RM-2 District:
- (1) Multiple-family dwellings.
  - (2) Elder care facilities.
- D. The following permitted principal uses that are listed in *Section 3-806.3 and Section 3-806.4* as allowed in the M-1 District.
- (1) Freight handling facilities with direct access, including by an internal street in the District, to a major arterial street.
  - (2) Heavy equipment rental establishments that are conducted within the principal building and do not utilize outdoor display or storage of vehicles, machinery, or equipment.
  - (3) Outdoor storage as an accessory use for freight handling facilities permitted under subsection D (1), with no requirement that such storage be located to the rear of the principal building, but subject to the following:
    - (A) The outdoor storage is in trailers parked in designated trailer parking spaces or truck docks on the site.
    - (B) The outdoor storage is temporary, with stored items to be in the trailer that was or will be used to transport those items to or from the site.
    - (C) The outdoor storage shall not be located in a yard between the principal building for the use and Telegraph Road, Elizabeth Lake Road, Summit Drive, or an adjacent existing residential use.

**Article III - Zoning Districts**

**Division 3-7 - Commercial Zoning Districts  
Section 3-709 - OV-SP, Summit Place Overlay Zoning District**

- (D) No truck shall be stored on the site for more than 15 consecutive days.
  - (4) Licensed medical marihuana secure transporters and licensed medical marihuana safety compliance facilities that comply with the applicable regulations in *Section 2-604*. (See *MEDICAL MARIHUANA USES AND DEFINED TERMS* in *Section 1-007*).
  - (5) Licensed medical marihuana growers and licensed medical marihuana processors after wellhead protection compliance that comply with the applicable regulations in *Section 2-604*. (See *MEDICAL MARIHUANA USES AND DEFINED TERMS* in *Section 1-007*).
  - (6) Up to six (6) medical marihuana primary caregivers after wellhead protection compliance that comply with the applicable regulations in *Section 2-604*. (See *MEDICAL MARIHUANA USES AND DEFINED TERMS* in *Section 1-007*).
- E. Child day care centers as defined in *Section 1-007* that are listed in *Section 3-604* as a permitted principal use in the O-2 District.

**3-709.4. Applicable General Regulations.** Unless otherwise indicated in this Section, the Regulations Applying to All Districts in Article II and the Regulations in *Section 3-702* for commercial uses and *Section 3-802* for higher intensity uses (HT-1, HT-2, and M-1) shall apply to properties in the District.

**3-709.5. Approval Required.** The process and requirements for approval of a use in the District shall be in accordance with the Requirements Applicable for All Procedures in *Section 4-003* and the Site Plan Review Procedures and Requirements in *Section 4-004*

**3-709.6. Review Standards for Proposed Use.** The zoning requirements applicable to a proposed use in the District shall be in accordance with the Ordinance section that applies to that use. If more than one Ordinance section applies, the applicant may designate which Ordinance section the proposed use is being submitted for approval under.

**3-709.7. Dimensional Standards.** Subject to modification as provided in subsections B, D, and E or a Planning Commission final determination to reduce required setbacks or to increase maximum building height made as a requirement and condition of site plan approval, the lot dimensional standards for land in the District are as follows, with these standards being based on the Table of Regulations in *Section 3-900* as modified for the District and all Footnotes to that Table *in Section 3-901*:

A. Table of District Lot, Area, and Bulk Regulations.

For Uses Listed in Districts:	Impervious Surface Max %	Min Lot Size-sf	Min Lot Width-ft	Max Building Height-ft	Front Setback-ft	Side Setback-ft	Rear Setback-ft
RM-2	50%	43,560	150'	36'	3-901.8	3-901.8	3-901.8
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C-2	50%	9,000	70'	24'	25'	15'/30'	20'
C-3	50%	24,000	90'	40'	25'	20'/40'	20'
C-4	50%	87,120	150'	40'	30'	20'/40'	20'
HT-1	50%	21,780	100'	30'	25'	15'/30'	30'
HT-2	50%	43,560	120'	50'	35'	15'/30'	40'
M-1	50%	43,560	150'	<del>30'</del> 50'	40'	15'/40'	40'

- B. As a modification of the maximum building height standards in the subsection A Table, the height of buildings for office establishments, multiple-family dwellings, and elderly care facilities shall not exceed 120 feet and shall not be more than ten (10) stories.
- C. Variances from these standards may not be granted by the Zoning Board of Appeals for proposed uses that are only listed in the HT-1, HT-2, or M-1 Districts.
- D. If an M-1 use is proposed adjacent to an existing multiple family use, side and rear yard setbacks shall be increased by 100% from the adjoining lot lines or unit boundaries of the multiple family use.
- E. Setbacks from Telegraph Road., Elizabeth Lake Road. and Summit Drive shall be increased by 50% for M-1 uses.

Section 3-900 - Table of Zoning Lot, Area, And Bulk Regulations

**SECTION 3-900 TABLE OF ZONING LOT, AREA, AND BULK REGULATIONS, CONT.**

ZONING DISTRICT	Maximum Height of Building		Minimum Yard Setback In Feet <i>(Refer to Footnote 4 for front setback where noted below)</i>				Minimum Floor Area Per Dwelling Unit In Sq. Ft.
	In Stories	In Feet	Front	Sides <i>(Refer to Footnote 7)</i>		Rear	
				Least One	Total of Two		
R-1 Single-Family	2	30	35 <sup>4 &amp; 8</sup>	10	20	35	1,100
R-1A Single-Family	2	30	35 <sup>4 &amp; 8</sup>	10 <sup>8</sup>	20 <sup>8</sup>	35	1,100
R-1B Single-Family	2	30	35 <sup>4 &amp; 8</sup>	5 <sup>8</sup>	10 <sup>8</sup>	35	800
R-1C Single-Family	2	30	35 <sup>4 &amp; 8</sup>	5 <sup>8</sup>	10 <sup>8</sup>	35	800
R-1D Duplex (Two Family)	2	30	35	10	20	35	800
R-1E Single-Family Attached	2	30	<i>Refer to Footnote 8</i>				800
R-M1 Low Density Multiple-Family	2	30	<i>Refer to Footnote 8</i>				<i>Refer to Footnote 9</i>
R-M2 Multiple-Family <i>(Refer to Footnote 10 for allowances for independent living facility developments)</i>	3	35	<i>Refer to Footnote 8</i>				<i>Refer to Footnote 9</i>
R-MH Mobile Home Park	1	15	20	10	35	10	n/a
O-1 Local Office	2	30	35	15	30	20	n/a
O-2 General Office	4	50	35	20	40	20	n/a
C-1 Neighborhood Business	1	20	25	15	30	20	n/a
C-2 Small Business	1	20	25	15	30	20	n/a
C-3 General Business	2	40	25	20	40	20	n/a
C-4 Extensive Business	2	40	30	20	40	20	n/a
C-UB Urban Business	2	40	25	15	30	20	n/a
C-UL Union Lake Business	2	40	25	15	30	20	n/a
PL Public Lands	2	40	25	20	40	20	n/a
CR Commercial Recreation	2	40	25	20	40	20	n/a
A-1 Airport	<i>As authorized by the Airport Manager, with setbacks from all State highways and County roads compliant with M-1 requirements</i>						n/a
HT-1 High Tech Office	2	30	25	15	30	30	n/a
HT-2 High Tech Industrial and Office	4	50	35	15	30	40	n/a
M-1 Light Industrial	2	30 50	40	15	40	40	n/a
M-2 General Industrial	3	40 50	50	20	60	50	n/a