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**DEVELOPMENT SERVICES
DEPARTMENT**

Jeffrey M. Polkowski, AICP
Director

Dave Hills
Superintendent of Building
Division

Scott Alef
CDBG Coordinator

MEMORANDUM

Date: November 7, 2023

To: Planning Commission

From: Jeffrey M. Polkowski, Director of Development Services

RE: 2023-Z-020
Proposed Zoning Ordinance Text Amendment: Drug Stores
C-1, Neighborhood Business District and C-2, Small Business District

This proposed Zoning Ordinance Text Amendment adds drug stores as a Permitted Principal use in the C-1, Neighborhood Business District and C-2, Small Business District.

Currently, drug stores are only allowed within the C-3, General Business District and C-4 Extensive Business District. Given the inherent retail nature and “corner store” like atmosphere of these facilities in smaller parcels, Planning Staff has made the decision to recommend this ordinance amendment.

Please be advised that with this proposed ordinance amendment drive-thru services for such facilities would be prohibited as the C-1, Neighborhood Business District and the C-2, Small Business District only allows drive-thru facilities for some restaurant establishments with Special Approval from the Planning Commission.

Section 1-007 of the Zoning Ordinance defines Drug Stores as:

Drug Store. A retail establishment where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical convenience and household products may be sold as well.

Planning Commission Recommendation and Findings

The Planning Commission reviewed this proposed zoning Ordinance Amendment at the regularly scheduled meeting on October 24, 2023 and resolved unanimously, to forward a favorable recommendation to the Township Board.

Motions

Based upon the Planning Commission’s favorable recommendation at the October 24, 2023 regular meeting for this Zoning Ordinance Amendment, should the Board want to

*With us there are no
boundaries*

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 November 27, 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 zoning amendment.

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

Please let me know if you have any questions prior to Monday night's meeting.

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.

Article III - Zoning Districts

**Division 3-7 - Commercial Zoning Districts
Section 3-703 - C-1, Neighborhood Business District**

- 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. Veteranary 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*)

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 marijuana 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 marijuana retailers that comply with the applicable regulations in *Section 2-605* (*See Marijuana 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. Veteranary 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)

STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2023-Z-020

TEXT AMENDMENT TO ZONING ORDINANCE

An Ordinance to amend the Waterford Township Zoning Ordinance No. 135-A (“Zoning Ordinance”) Business Districts C-1 and C-2 to permit drug stores as principal permitted uses.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 3-703.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-1 Neighborhood Business Zoning District, is amended to add drug stores as a permitted principal use, to read as follows:

3-703.3. Permitted Principal Uses. The following uses may be permitted uses in the C-2 district:

A. Convenience stores, limited merchandise store, drug stores and speciality retail stores
(*See Error! Reference source not found. in Error! Reference source not found.*).

B-L (unchanged)

Section 2 of Ordinance

Section 3-704.3 of the Waterford Township Zoning Ordinance that lists permitted principal uses in the C-2 Small Business Zoning District, is amended to add drug stores as a permitted principal use, to read as follows:

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

A. Convenience stores, limited merchandise store, drug stores and speciality retail stores
(*See Error! Reference source not found. in Error! Reference source not found.*).

B-N (unchanged)

Section 3 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 4 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 5 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 6 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 November 27, 2023.

Date

Kimberly Markee, Township Clerk