

CHARTER TOWNSHIP OF WATERFORD  
5200 CIVIC CENTER DRIVE  
WATERFORD, MI 48329  
JANUARY 25, 2010, 6:30 pm  
- A G E N D A -

APPROVE AGENDA -  
APPROVE MINUTES -  
APPROVE BILL PAYMENT -

AWARDS:

Employee of the Month for January 2010, John Lyman of the Fire Department

REPORTS:

Clerk's Dept., October 2009

FIRST INTRODUCTION:

Zoning Ordinance Substantial Amendment

NEW BUSINESS:

Pawn Broker License renewal, National Pawn, 1075 W Huron

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Betty Fortino, Clerk

IN CONFORMANCE WITH THE AMERICANS WITH DISABILITIES ACT, LARGE-PRINT AGENDAS AND MINUTES ARE AVAILABLE UPON REQUEST. BARRIER-FREE PARKING AND ACCESS ARE ALSO AVAILABLE AT TOWN HALL. MINUTES ARE AVAILABLE UPON REQUEST AT THE CLERK'S DEPARTMENT, AND ON THE TOWNSHIP'S WEB SITE.

Minutes of the Waterford Township Board Meeting, held January 25, 2010 at 6:30 PM in Town Hall Auditorium, 5200 Civic Center Drive, Waterford, Michigan 48329.

BOARD MEMBERS PRESENT:

Carl W. Solden, Supervisor  
Betty Fortino, Clerk  
Margaret Birch, Treasurer  
David Kramer, Trustee  
David Maloney, Trustee  
Bette O'Shea, Trustee

OTHERS PRESENT:

Dennis Storrs	Diane Lyman	James Todd
Deborah Rolph	Liz Lesneau	Scott Reinig
Jack Wood	Paul Simmons	Daniel T McCaw
Martin F Kuhn	Gary Walker	James Muller
Connie Folk	David Sanders	John Lyman
Anthony Bartolotta	Chris Hackney	Jan Eathorne
Steve Booth	Ginny Milner-Gross	
Victor Lyman	Ryan Gross	

Supervisor Carl Solden called the meeting to order at 6:30 PM. Supervisor Solden asked for a moment of silence and then led the Pledge of Allegiance.

Moved by Kramer,  
Supported by Birch, RESOLVED, to approve the agenda with the following addition:  
Under Reports, add number 2, Library Department.

Motion carried unanimously.

Moved by Maloney,  
Supported by O'Shea, RESOLVED, to approve the January 11, 2010 minutes as printed.

Motion carried unanimously.

Moved by O'Shea,  
Supported by Birch, RESOLVED, to approve the payment of the bills for January 25, 2010 as presented. A list of the bills is attached to these minutes.

Motion carried unanimously.

Supervisor Solden made the following announcements:

The first "Second Sunday Supper" which will offer a free meal to Waterford citizens in need will be on Sunday, February 14, 2010 at the Williams Lake Church of the Nazarene 2840 Airport Road. Please call 248 618-7555 to make reservations; deadline for reservations will be February 7<sup>th</sup>.

John Lyman, Waterford Fire Dept. was nominated Employee of the Month for January 2010 by the Awards Committee. Supervisor Solden read a plaque and presented it to John.

Moved by Fortino,  
Supported by Birch, RESOLVED, to concur with the Awards Committee to name John Lyman Employee of the Month for January and to offer our congratulations to him.

Motion carried unanimously.

The following reports were presented:

1. Clerk's Dept, October 2009
2. Library Dept, December 2009

Moved by O'Shea,  
Supported by Maloney, RESOLVED, to receive the foregoing reports.

Motion carried unanimously.

The following memo was received from Community Development and Planning Director Robert Vallina:

On December 22, 2009, the Planning Commission completed their work on the proposed comprehensive amendment of the Waterford Township Zoning Ordinance and Zoning Map. The Planning Commission's recommendation is now being placed before you for your review and consideration. In summarizing the comprehensive amendment of the Zoning Ordinance prepared and considered by the Planning Commission, the amendment includes, but is not limited to, the following substantial revisions to the existing Zoning Ordinance:

- Clarifies and add more definitions;
- Establishes definable enforcement measures for noise;
- Revises the natural features setback regulations to provide separate standards for wetlands, watercourses, and lakefront yards;
- Removes the woodlands regulations from the zoning ordinance, with the intent of establishing updated such regulations in the general ordinance;

Vallina memo cont'd.

- Links the allowable height and sign area of freestanding signs to the length of right-of-way frontage possessed by a zoning lot;

- Revises the temporary sign regulations to allow additional opportunities for use of on-site signage for limited periods of time;
- Aligns the time period for use of election signs to reflect the full timeframe of a calendar year election cycle;
- Arranges the zoning districts into six general land use classes: Single-Family Residential, Multiple-Family Residential, Public, Office, Commercial, and Higher Intensity;
- Provides a complete listing of uses within each zoning district and eliminates the inverted pyramid use reference system;
- Establishes regulations applicable to each general land use class;
- Revises the regulations for vehicle parking, vehicle storage, and vehicle sales and establishes such regulations for each general land use class;
- Revises residential zoning district standards to accommodate subdivision plats created prior to the establishment of zoning in the Township while maintaining building code requirements;
- Revises the suburban farms zoning district into a large-lot single family zoning district;
- Adds a natural features and passive recreation overlay district;
- Replaces the public recreation district with a public lands district;
- Revises the commercial zoning districts to correlate scope and scale of commercial land uses with the area contained within a zoning lot;
- Deletes the TISO and parking zoning districts;
- Adds a high tech office and a high tech industrial/office district;
- Revises the regulations for the raising and keeping of animals and establishes such regulations for each general land use class;
- Revises the regulations for lot coverage to that of regulation of impervious surfaces;
- Provides a distinction between tax parcels and zoning lots;
- Provides a more effective determination of lakefront yard setbacks to prevent encroachment of buildings from obscuring site lines of adjacent properties;
- Expands the number of review procedures to eliminate the current "one-size-fits-all" approach and provide procedures that fit the scope of the proposed activity;
- Provides for more efficient review of temporary activities;
- Creates a review process for alternative energy activities and products;
- Introduces a planned unit development procedure for use in the commercial recreation, general office, extensive business, urban business, Union Lake business, high tech office, and high tech industrial & office zoning districts;
- Reduces the size of the Planning Commission from nine members to seven members;
- Increases the size of the Zoning Board of Appeals from five members to seven members;
- Delineates the responsibilities of the Township Board, Planning Commission, Zoning Board of Appeals, and Township officials for administration and enforcement of the zoning ordinance;
- Provides for a schedule of engineering standards to be established by resolution of the Township Board and establishes an appeals review process for such standards;

Vallina memo cont'd.

- Provides for a site planning and landscape design standards manual to be established by resolution of the Township Board and establishes an appeals review process for such standards; and
- Updates and adds graphics to clarify text.

In accordance with the Planning Commission's recommendation, both the Planning Commission and staff are requesting that you approve their recommended zoning ordinance amendment for First Introduction and to place it on the February 22, 2010 agenda for Final Adoption. Also,

although the Michigan Zoning Enabling Act requires public hearings at the Planning Commission level but not at the Township Board level, the Township Board may at its discretion hold additional public hearings. After discussing the issue with Supervisor Solden, he has decided that the Township Board should conduct a public hearing at the Township Board level to provide an additional opportunity for citizens to discuss such an important ordinance change before it is adopted by the Board. Therefore, as part of your motion for first introduction, please establish the February 22, 2010 Township Board Meeting for a public hearing on the Zoning Ordinance comprehensive amendment. In order to assist you, the following is a suggested motion covering the first introduction, public hearing, and final adoption:

**RESOLVED, to approve the foregoing comprehensive amendment of the Waterford Township Zoning Ordinance and Zoning Map for First Introduction, establish the regularly scheduled February 22, 2010 the Township Board meeting beginning at 6:30 p.m. as the time and date for a public hearing on the Zoning Ordinance comprehensive amendment, and to place such amendment on the February 22, 2010 agenda for Final Adoption.**

Enclosed for your review and consideration is a complete bound copy of the Planning Commission recommended Zoning Ordinance and Zoning Map. This version contains revisions made to the draft after the Planning Commission considered comments received during the December 1<sup>st</sup>, 8<sup>th</sup>, and 15<sup>th</sup> of 2009 public hearings. In summary, the following changes were made to the November 2009 draft that was reviewed by the Planning Commission during the public hearing process:

1. Change the definition of Livestock in Article I, Section 1-007 into two definitions, Domestic Hoofed Livestock and Domestic Small Livestock.
2. Change the Gross Vehicle Weight Rating minimum in the definition of Intensive Commercial Vehicle in Article I, Section 1-007 from twenty six thousand and one (26,001) pounds to sixteen thousand and one (16,001) pounds.
3. Change the Gross Vehicle Weight Rating maximum limit in the definition of Personal Commercial Vehicle in Article I, Section 1-007 from twenty six thousand and one (26,001) pounds to sixteen thousand and one (16,001) pounds.
4. Change Article II, Section 2-206.7.G to read: "The operation or use of any organ, bell, chimes or other similar means of announcing religious services at a religious facility between the hours of 8 a.m. and 9:00 p.m., no more than five times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 70 Db(A) at the property line of the religious facility."
5. Remove Article II, Section 2-602, Massage Parlor Free Standing Building Requirement.

Vallina memo cont'd.

6. Change the vehicle parking requirements in Article III, Section 3-302.1.A(1)(A) to allow vehicles to be parked within five (5) feet of the street roadway where non-motorized pathways are not established.
7. Change the vehicle storage requirements in Article III, Section 3-302.1.B(2) to allow up to five (5) recreational vehicles to be stored upon a zoning lot outside of an accessory building at any given time but also restricting recreational vehicle storage on an established driveway to no more than two (2) vehicles.
8. Change the raising and keeping of animal requirements in Article III, Section 3-302.2 to include a special approval review for allowing domestic small livestock on zoning lots less than five (5) contiguous acres in size and permit domestic small livestock on zoning lots that are five (5) contiguous acres and larger in size. The limitations currently identified for non-household domestic animals shall be maintained for domestic hoofed livestock.

There were also additional legal revisions submitted by the Township Attorneys that were incorporated into the final document.

In addition to the Zoning Ordinance and Map, attached also please find for your review the approved Planning Commission Minutes for the public hearings held on December 1<sup>st</sup>, 8<sup>th</sup>, and 15<sup>th</sup> of 2009, as the summary of comments on the proposed new Zoning Ordinance and Map received at those hearings. Also attached with these approved minutes is a copy of the draft December 22, 2009 Planning Commission minutes which provides the record of the Planning Commission recommendation action.

Two other documents that are provided for your review and consideration is the Planning Commission recommended interim Site Planning and Landscape Design Standards Manual (SPL) and Township Engineer recommended interim Township Engineering Standards. The regulations contained within these interim documents are part of the current Zoning Ordinance. The long-term intent of these two documents is to provide greater flexibility in providing a variety of standards and guidelines for developments. The documents are adopted by reference as part of the Zoning Ordinance, but can be revised through a simple resolution of the Township Board. The Planning Commission and the Township Engineer will, respectively, work in the coming months on an updated version of the SPL and Township Engineering Standards. The interim documents are intended to avoid coverage gaps and maintain the current landscape design and engineering standards until the updated documents are completed. These two documents will be placed on your February 22, 2010 agenda as separate new business items for your approval if final adoption of the Zoning Ordinance occurs at that meeting.

Also included for your information is a CD containing a large electronic set of case law and report documents assembled by Township Attorney Steve Joppich. This CD set of documents contains the cases and reports listed in Zoning Ordinance Section 2-601,

Regulations for Adult Entertainment Uses (Pages 11-25 and II-26) and provides the legal foundation for the restrictions and regulations items contained in this section.

Finally, as a point of information, the Michigan Zoning Enabling Act requires the Township to submit Zoning Ordinance text and map revisions to the County of Oakland for their review. In general, the County focuses their review on the changes in zoning to properties bordering neighboring communities to ensure that the Township's zoning changes do not conflict with the zoning established along such borders. We had provided a copy of the draft documents to the County in November 2009 and submitted the formal Planning Commission recommended documents at

Vallina memo cont'd.

the end of December 2009. The County Board of Commissioners Planning and Building Committee is scheduled to submit its review and report prior to the Township Board's final adoption. As soon as I receive this County report, I will submit it to you so that you have it and can consider the County recommendations, if any, prior to your final action.

I will be happy to sit down with you at your convenience and provide a review of these documents and answer any questions you may have on the recommended ordinance prior to the public hearing and consideration of final adoption. Please give me a call at 248-618-7443 to arrange a review meeting or to ask questions you may have on these documents.

Moved by O'Shea,

Supported by Kramer, RESOLVED, [to approve the foregoing comprehensive amendment of the Waterford Township Zoning Ordinance and Zoning Map for First Introduction. Further, to establish February 22, 2010 at 6:30 p.m. as the time and date for a public hearing on the](#)

Zoning Ordinance comprehensive amendment, and to place such amendment on the February 22, 2010 agenda for Final Adoption.

Motion carried unanimously.

Mrs. Fortino had received a request for a Pawn Broker license renewal for National Pawn and all requirements have been met.

Moved by O'Shea,

Supported by Maloney, RESOLVED, to approve Pawn Broker License renewal request for National Pawn Brokers, located at 1075 W. Huron St., to expire 12/31/2010.

Motion carried unanimously.

Moved by Maloney,

Supported by Kramer, RESOLVED, to adjourn the meeting at 7:28 PM.

Motion carried unanimously.

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Betty Fortino, Clerk

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Carl W. Solden, Supervisor