

I. CALL TO ORDER.

Chairman Werth called the meeting to order at 6:33 PM.

II. ROLL CALL.

Present: Chairman Sandra Werth, Vice-Chairman Steve Reno, Commissioners Stan Cumberworth, Bette O'Shea, Dennis Griffin, Matt Ray, and Ted Taylor

Absent: Secretary Ellie Pinner and Commissioner Will Allen

Quorum Present.

Also Present:

Robert Vallina, CPD Director, Larry Lockwood, Planning Division Head, Gary Dovre, Waterford Township Attorney, Lori Beeson, Stenographer,

General Public: Approximately 25

III. APPROVAL OF THE MINUTES:

MOTION AND VOTE:

MOVED BY GRIFFIN,

SUPPORTED BY RENO; RESOLVED TO APPROVE THE MINUTES OF THE DECEMBER 1, 2009 PLANNING COMMISSION PUBLIC HEARING MEETING, REVISED TO REFLECT COMMISSIONER CUMBERWORTH AS ABSENT.

**MOTION CARRIED UNANIMOUSLY, WITH PINNER AND ALLEN ABSENT.
(7-0)**

MOTION AND VOTE:

MOVED BY GRIFFIN,

SUPPORTED BY RENO; RESOLVED TO APPROVE THE MINUTES OF THE DECEMBER 8, 2009 PLANNING COMMISSION PUBLIC HEARING MEETING AS PRINTED.

**MOTION CARRIED UNANIMOUSLY, WITH PINNER AND ALLEN ABSENT.
(7-0)**

MOTION AND VOTE:

MOVED BY GRIFFIN,

SUPPORTED BY RENO; RESOLVED TO APPROVE THE MINUTES OF THE DECEMBER 15, 2009 PLANNING COMMISSION PUBLIC HEARING MEETING AS PRINTED.

**MOTION CARRIED UNANIMOUSLY, WITH PINNER AND ALLEN ABSENT.
(7-0)**

IV. OLD BUSINESS

Mr. Vallina provided an overview of the remarks offered by the Commissioners and citizens at the December 1st, 8th, and 15th public hearings. Based on these remarks, staff is recommending

the following revisions to be incorporated into the draft zoning ordinance to be recommended by the Planning Commission to the Township Board:

Remarks from Public Hearing #1

- Change Article II, Section 2-206.7.G from “Bells or chimes of religious facilities” to “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.”
- Remove Article II, Section 2-602, Massage Parlor Free Standing Building Requirement.

Remarks from Public Hearing #2

- The proposed zoning for 920 N. Williams Lake Road has been changed from O-1, Local Office to O-2, General Office on the proposed zoning map.

Remarks from Public Hearing #3

Animals

- Change the definition of Livestock in Article I, Section 1-007 into two definitions, Domestic Hoofed Livestock and Domestic Small Livestock.
- 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.

Vehicle Parking

- 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 nonmotorized pathways are not established.

Recreational Vehicle Storage

- 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.

Remark from Public Hearing #3 Attendee

- Change 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.

Mr. Vallina stated with these proposed revisions, staff is recommending that the Planning Commission consider adopting a resolution recommending that the Township Board adopt the proposed new zoning ordinance.

Chairman Werth indicated to the citizens in attendance that the formal public hearings were held on December 1st, 8th, and 15th, however the Planning Commission will allow citizens to comment, provided that they are limited to no more than a three minute comment period.

Several members of the general public offered comments, most centering around concerns that they were not notified about these changes and needed more time to review the proposed changes. There were also questions regarding the parking and storing of vehicles on residential property.

Mr. Vallina and **Mr. Dovre** provided a brief recap of the proposed new changes regarding vehicle parking and storage, as well as pointing out the ordinance vehicle parking and storage provisions that are currently in place and will remain unchanged if the proposed zoning ordinance is passed by the Township Board.

Commissioner Taylor asked for clarification on when subdivision deed restrictions/condominium by-laws govern property uses over zoning ordinance regulations.

Mr. Dovre stated that the zoning ordinance regulates use of property; however a subdivision or condominium may possess more restrictive rules. Enforcement of rules more restrictive than the zoning ordinance is the responsibility of the subdivision/condominium association and not the Township. Mr. Dovre also stressed that whenever a subdivision or condominium possesses rules that are less restrictive than the zoning ordinance; the more restrictive zoning ordinance regulations are still in force and property owners must comply with such regulations.

**MOTION AND VOTE:
MOVED BY GRIFFIN,
SUPPORTED BY RENO;**

WHEREAS, the current version of the Charter Township of Waterford Zoning Ordinance was adopted on August 31, 1981; and

WHEREAS, the Charter Township of Waterford Planning Commission adopted an updated Master Plan, dated January 2, 2003; and

WHEREAS, the Master Plan identifies as an implementation strategy to “revise the Zoning Ordinance to implement the Master Plan’s future land use designations, establish bulk standards for commercial and industrial developments which are comparable to those adopted in similar-sized communities, and provide a modern, balanced, and effective enforcement tool.”; and

WHEREAS, utilizing its current Master Plan as a guide, the Charter Township of Waterford has undertaken a detailed review and analysis of its Zoning Ordinance and determined that it is presently necessary to complete a comprehensive update the Township’s zoning regulations by adoption of a new Zoning Ordinance and map; and

WHEREAS, the comprehensive new Zoning Ordinance prepared and considered by the Planning Commission 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;
- 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;
- 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; and

WHEREAS, the comprehensive new Zoning Ordinance has been reviewed for compliance with Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, and all other applicable local, state, and federal laws; and

WHEREAS, the Planning Commission did conduct three public hearings, on December 1st, 8th, and 15th of 2009, concerning the comprehensive new Zoning Ordinance and map;

NOW, THEREFORE, IT IS HEREBY RESOLVED that in order to further the implementation of the goals and objectives of the Waterford Township Master Plan with the purpose of promoting and preserving the public health, safety, peace, morals, comfort, convenience, and general welfare of the citizens by seeking:

- To meet the needs of Township citizens for food, fiber, energy and other natural resources.
- To establish adequate standards for the provision of light, air, and open spaces.
- To limit the overcrowding of land and congestion of population, transportation systems, and other public facilities.
- To provide for adequate drainage, curbing of erosion, and reduction of flood damage.
- To provide standards to control the amount of open space and impervious surfaces within a development.
- To control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public facility and service needs.
- To meet the need and secure the most appropriate locations for residential, recreation, industry, trade, service, and other uses of land.
- To protect and conserve the character and social and economic stability of the residential, commercial, and industrial uses alike from harmful encroachment by incompatible uses and to ensure that land allocated to a class of uses shall not be usurped by other inappropriate uses.
- To isolate or control the location of unavoidable nuisance-producing uses.
- To permit the uninterrupted, unimpaired use of land for public uses and essential services, including but not necessarily limited to, schools, parks, community centers, religious facilities, cemeteries,

hospitals, fire and police stations, and similar public uses for as long as deemed necessary by the residents or their elected representatives.

- To fix reasonable standards to which buildings and structures shall conform.
- To define and provide for the powers and duties of the administrative and enforcement officers and bodies.
- To prescribe sanctions and penalties for any violation of the provisions of this Zoning Ordinance, or of any amendment thereto.
- To provide for the eventual elimination of nonconforming property and nonconforming usage of property.
- To provide for a Zoning Board of Appeals and its duties.
- To provide for a map of all zoning districts in the Township.
- To fulfill other legitimate objectives allowed by law.

the Planning Commission accepts the draft zoning ordinance text document identified as **FINAL DRAFT-NOVEMBER 2009** and map document identified as **PROPOSED ZONING MAP-NOVEMBER 2009**, with instructions to staff to make the following revisions:

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.
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 nonmotorized 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.
9. Make all revisions submitted by the Township Attorneys to staff.
10. Create an interim Site Planning and Landscape Design Standards Manual from the fencing, screening and landscaping, and parking standards contained within the Zoning Ordinance adopted on August 31, 1981, as amended.

IT IS FURTHER RESOLVED that upon completion of said revisions, staff shall submit the new proposed comprehensive Zoning Ordinance text identified as **PLANNING COMMISSION RECOMMENDATION-JANUARY 2010** and map document identified as **PROPOSED ZONING MAP-JANUARY 2010** to the County of Oakland for review in accordance with Public Act 110 of 2006, Michigan Zoning Enabling Act;

IT IS FURTHER RESOLVED that upon completion of said revisions, staff shall submit the new proposed comprehensive Zoning Ordinance text identified as **PLANNING COMMISSION RECOMMENDATION-JANUARY 2010** and map document identified as **PROPOSED ZONING MAP-JANUARY 2010** to the Township Board with a Planning Commission recommendation that the Township Board adopt said documents as the Charter Township of Waterford Zoning Ordinance

and Zoning Map to be the zoning plan for the entire Township that establishes zoning districts and their boundaries, with administration and enforcement to be in the manner specified in the Ordinance text;

IT IS FURTHER RESOLVED that in addition to the proposed new Zoning Ordinance and Map, staff shall also submit to the Township Board the approved Minutes of the Planning Commission public hearings held on December 1, 2009, December 8, 2009 and December 15, 2009, as the summary of comments received at those hearings on the proposed new Zoning Ordinance and Map;

IT IS FURTHER RESOLVED that upon completion of said revisions, staff shall submit an interim Site Planning and Landscape Design Standards Manual to the Township Board with a Planning Commission recommendation that the Township Board adopt said document by resolution in accordance with Article V, Section 5-004 of the zoning ordinance comprehensive amendment text document identified as ***PLANNING COMMISSION RECOMMENDATION-JANUARY 2010***.

**MOTION CARRIED UNANIMOUSLY, WITH PINNER AND ALLEN ABSENT.
(7-0)**

Chairman Werth asked staff and the Township attorney to provide to the Commissioners and the citizens attending tonight's meeting with a brief explanation of the next steps in the zoning ordinance adoption process.

Mr. Vallina explained that the Planning Commission-recommended zoning ordinance text and map will be submitted to Oakland County after the New Year 2010 holiday for the County review required by Public Act 110 of 2006, Michigan Zoning Enabling Act. The County will have 30 days to conduct their review and submit their comments. Mr. Vallina also stated that he anticipates that the Township Board will conduct the first introduction of the zoning ordinance at its January 25, 2010 Township Board meeting, with final consideration occurring in February 2010. Mr. Vallina also stressed that the Township Board review procedure could extend beyond this time period if the Board wishes to revise the ordinance as currently proposed.

Mr. Dovre explained that 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. Also the Act provides for citizens to request a public hearing on a specific section of the proposed zoning ordinance at a Township Board meeting prior to adoption of the zoning ordinance. Any citizen making such a request must submit their request via certified mail.

V. ADJOURN THE MEETING.

The meeting was adjourned at 7:45 p.m.