

WHITE LAKE TOWNSHIP

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: December 9, 2021

TO: Rik Kowall, Supervisor
Township Board of Trustees

FROM: Sean O'Neil, Community Development Director

SUBJECT: Amendments to Zoning Ordinance No. 58



Please find attached, recommended amendments to Zoning Ordinance No. 58. These amendments were before the Planning Commission on November 18th, at which time a public hearing was held and a recommendation of approval was made to the Township Board. The amendments span many different sections of the ordinance and are largely meant to clean up and clarify the language. For the purpose of organization, each proposed amendment is listed out in numbered "Parts" as you move through the document. Our goal is to clearly convey regulations and eliminate possible confusion. We proposed more substantive use changes to zoning districts in Part 2 (Restaurants with alcoholic beverages), Part 3 (Drive-thru restaurants), and Part 4 (Animal care facilities) on the list. The other changes are more minor in nature.

I have included a "red lined" version of the proposed amendments. They are a bit easier to review and compare in this format. Also attached are the November 18th Planning Commission meeting minutes. I look forward to reviewing these amendments with you on December 21st. If you have any questions, or require additional information, please do not hesitate to contact our office.

Thank you.

**CHARTER TOWNSHIP OF WHITE LAKE
COUNTY OF OAKLAND
AMENDMENT 21-01 TO ZONING ORDINANCE**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF WHITE LAKE BY AMENDING ARTICLE 2.0 DEFINITIONS, ARTICLE 3.0 ZONING DISTRICTS, ARTICLE 4.0 USE STANDARDS, AND ARTICLE 5.0 SITE STANDARDS, ONLY AS PROVIDED FOR HEREIN.

NOW HEREBY the Charter Township of White Lake ordains the following amendments to the White Lake Charter Township Zoning Ordinance:

PART 1: Amend Article 2.0, Section 2.2, Definitions by modifying the following definition as shown below:

Freestanding Sign, Monument. ~~A sign no greater than six (6) feet off the ground whose bottom edge is located close to the ground and thereby precludes visibility beneath the sign.~~ **A freestanding sign, in which the entire bottom (base) is in contact with the ground and is independent of any other structure.**

PART 2: Amend Article 3.0, Zoning Districts, Section 3.1.10, Planned Development District, Subsection 3.1.10.B.x, Principal Permitted Uses, to read as follows:

x. Restaurants, with and without alcoholic beverages

PART 3: Amend Article 3.0, Zoning Districts, Section 3.1.10, Planned Development District, Subsection 3.1.10.B, Principal Permitted Uses, to add the following section as Paragraph 3.1.10.B.xxvi:

xxvi. Drive-in or drive-thru window service, restaurant §4.17

PART 4: Amend Article 3.0, Zoning Districts, Section 3.1.12, Local Business District, Subsection 3.1.12.C, Special Land Uses, to add the following section as Paragraph 3.1.12.C.vi:

vi. Animal care facilities, veterinary clinics and hospitals §4.6

PART 5: Amend Article 3.0, Zoning Districts, Section 3.6, Dwelling In Nonresidential Districts, to read as follows:

No dwelling unit or units shall hereafter be erected in NB-O, LB, RB, GB, PB, PD, ROS, LM, E, or ROP zoned districts. However, a dwelling unit for a watchman or a caretaker or manager may be permitted in said districts in conformance with the specific requirements of the particular district.

PART 6: Amend Article 4.0, Use Standards, Section 4.6, Animal Care Facilities, to add the following district to the Veterinary Clinics and Hospitals Districts Permitted:

Veterinary Clinics and Hospitals: LB, RB and GB

PART 7: Amend Article 4.0, Use Standards, Section 4.6, Animal Care Facilities, to add the following sections as standards J and K:

J. The building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to surrounding properties.

K. Boarding of small animals shall be permitted as an accessory use, except all boarding shall be conducted within a wholly enclosed building and incidental to such care of an animal.

PART 8: Amend Article 4.0, Zoning Districts, Section 4.16, Convalescent or Nursing Homes, to read as follows:

A convalescent, nursing, rest home, or home for the elderly may be permitted in the AG (Agricultural), PD (Planned Development), and RM-1 and RM-2 (Multiple-Family) districts, subject to the following:

- A. All vehicular ingress and egress shall be directly onto a major or minor arterial.
- B. The minimum site size shall be ten (10) acres in AG districts and five (5) acres in RM-1 and RM-2 districts.
- C. All buildings shall be set back at least 75 feet from all property lines.
- D. All parking and service areas shall be screened from view of an adjoining residential district, as approved by the Planning Commission.

PART 9: Amend Article 4.0, Use Standards, Section 4.17, Drive-In or Drive-Thru Window Service, to add the following district to the Restaurants Permitted Districts:

Restaurants: RB, GB, PB, NMU, TC, PG, PD

PART 10: Amend Article 5.0, Site Standards, Section 5.9, Signs, Subsection 5.9.J.i to strike the last sentence from Subsection 5.9.J.i.a:

~~Freestanding signs shall not be located closer than one hundred (100) feet to any property line of any adjacent residential district.~~

PART 11. Conflicts.

If any provision of the White Lake Township Code conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

PART 12. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

PART 13. Adoption.

A public hearing on this Ordinance was held before the Planning Commission of the Charter Township of White Lake at a regular meeting held on Thursday, November 18, 2021. This Ordinance was adopted by the Township Board of the Charter Township of White Lake at a meeting duly called and held on the ____ day of _____, 2021, and ordered to be published as prescribed by the law.

STATE OF MICHIGAN)

) ss.

COUNTY OF OAKLAND)

I, the undersigned, the duly qualified and acting Clerk of White Lake Charter Township, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a meeting held on the ____ day of _____, 2021, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required under the Open Meetings Act.

Rik Kowall, Supervisor

Anthony Noble, Clerk

Dated: _____

Dated: _____

**WHITE LAKE TOWNSHIP
PLANNING COMMISSION**
Township Annex. 7527 Highland Road
White Lake, MI 48383
NOVEMBER 18, 2021 @ 7:00 p.m.

Chairperson Anderson called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Roll was called.

ROLL CALL: Steve Anderson
Rhonda Grubb
Matt Slicker
Debbie Dehart
Merrie Carlock
Joe Seward
Scott Ruggles
Mark Fine

Absent: Peter Meagher

Also Present: Justin Quagliata, Staff Planner
Sherri Barber, Recording Secretary

Visitors: None

Approval of Agenda

Commissioner Grubb moved to approve the agenda as presented. Commissioner Carlock supported and the MOTION CARRIED with a voice vote: 8 yes votes.

Approval of Minutes

a. October 21, 2021

Commissioner Seward moved to approve the minutes of October 21, 2021 as presented. Commissioner Fine supported and the MOTION CARRIED with a voice vote: 8 yes votes.

Call to the Public (for items not on the agenda)

Mary Earley (5925 Pine Ridge Ct.) commented about the private launch on Oxbow Lake. She was wondering where was the parking for cars and trailers. What guarantee was there from the Township the property will be maintained? These questions would be appropriately answered at subsequent meetings.

Public Hearing:

Zoning Ordinance Text Amendments

Staff Planner Quagliata summarized the proposed zoning ordinance amendments. There was clarification for the base of freestanding (monument) signs. Small animal vet clinics and animal hospitals would be allowed by special land use in (LB) Local Business. Currently, PD (Planned Development) did not allow restaurants with alcohol; the amendment would allow restaurants with alcohol. The ordinance was unclear if drive throughs were allowed in PD; the amendment would clarify drive throughs were permitted in PD.

Chairperson Anderson went over each text amendment and asked Commissioners for input.

Article 2.2. Freestanding signs. There was no additional discussion.

Class II Animal Care Facility — 4.51. Staff Planner Quagliata stated this would allow large animal vet clinics and hospitals in AG (Agricultural) with special land use approval. Part 2 and 11 of the proposed amendments related to this item.

Planned Development: restaurants with or without alcohol. Staff Planner Quagliata stated this would be decided by the Planning Commission and Township Board during review of a site plan and development agreement. The Commissioners supported the amendment.

Drive-in or drive-thru (restaurant) – 4.17. Staff Planner Quagliata stated currently the ordinance was not clear if drive-thrus were allowed in PD. The amendment would clarify drive-thrus would be permitted.

There was discussion on the text amendments for Class II animal care facilities and Chairperson Anderson asked staff if amendments pertaining to this use could be revisited at a later date.

Staff Planner Quagliata stated the items related to Class II animal care facilities could be removed from the current list of ordinance amendments and revisited in early 2022. The Commissioners agreed to exclude Part 2 and Part 11 from the motion.

Chairperson Anderson opened the public hearing at 7:54 p.m.

Valerie Kemp (182 Angola, Wolverine Lake) was the listing broker for 7755 Highland Road (Centerpointe Plaza) and she spoke in support of allowing veterinary clinics in LB zoning. She read a letter from VCA corporate in support of the vet clinic. VCA Vet Clinic had been in White Lake for many years. A copy of the letter was entered into the record. Rob Pope, the developer of Centerpointe, spoke in favor of the ordinance amendment.

Chairperson Anderson closed the public hearing at 8:01 p.m.

Commissioner Seward moved to recommend the Township Board adopt the proposed Zoning Ordinance text amendments, excluding Part 2 and Part 11. Commissioner Dehart supported and the MOTION CARRIED with a roll call vote: Anderson – yes; Grubb – yes; Slicker – yes; Dehart – yes; Carlock – yes; Seward – yes; Ruggles – yes; Fine – yes. 8 yes votes.

Continuing Business

None.

Old Business

None.

New Business

None.

Other Business:

A. PD Waiver Request for Oxbow Lake Private Launch Association (OLPLA)

Staff Planner Quagliata reported the applicant was proposing to rezone to PD, which required a minimum lot size of 10 acres. The applicant requested a waiver for the lot size which was approximately 1.9 gross acres and 0.75 net acre. The proposed use would be a private launch for Oxbow Lake riparians. The Township Attorney recommended rezoning to PD to review the proposed use. There was Commissioner and Staff discussion about the best process for the applicant to undertake for review. Staff Planner Quagliata discussed the Planning Commission and Township Board preventing keyhole access. Commissioner Dehart stated whatever process was undertaken there would have to be significant control and restrictions on the use.

Commissioner Seward moved to approve the PD Waiver Request requested by Oxbow Lake Private Launch Association (OLPLA) for Parcel Number 12-22-279-004 to waive the 10-acre minimum lot size requirement under Planned Development (PD) to pursue rezoning. Commissioner Fine supported and the MOTION CARRIED with a roll call vote: Steve Anderson – no; Grubb – yes; Slicker – yes; Dehart – no; Carlock – no; Seward – yes; Ruggles – yes; Fine – yes. 5 yes votes.

Staff Planner Quagliata stated the waiver request would proceed to the Township Board.

B. 2022 Meeting Dates

Commissioner Grubb moved to approve the 2022 Meeting Dates as presented. Commissioner Carlock supported and the MOTION CARRIED with a voice vote: 8 yes votes.

Liaison's Report

Trustee Ruggles reported the Township Board met on Tuesday and approved the CDBG budget. There was \$31,977 for minor home repair. The Board approved the 2022 budget. Sean O'Neil was promoted to Community Development Director. The Township Board approved a resolution of intent to issue bonds in the amount of \$29 million for the Civic Center and Public Safety Building.

Commissioner Grubb reported the Parks and Recreation Committee did not have a meeting in November. There was a December meeting scheduled.

Commissioner Dehart stated the last Zoning Board of Appeals (ZBA) meeting lasted 4 hours. One of the cases was signage at Arby's. A stripe on a building was considered signage. Staff Planner Quagliata commended the ZBA; it had many cases, some meetings had gone 4-6 hours, and the members were dedicated.

Commissioner Anderson noted he attended the ribbon cutting at New Hope Assisted Living and Memory Care along with many representatives from White Lake Township and local chambers.

Planning Consultant's Report

No report.

Director's Report:

Staff Planner Quagliata reported there were many projects currently under review.

Communications:

None.

Next Meeting Dates: December 2, 2021
December 16, 2021

Adjournment:

Commissioner Fine moved to adjourn the meeting at 8:42 p.m. Commissioner Dehart supported and the MOTION CARRIED with a voice vote: 8 yes votes.