

**CHARTER TOWNSHIP OF MILFORD  
DRIVE-THRU DEFINITIONS  
ORDINANCE NO. 156-A-207**

**AN ORDINANCE TO AMEND SECTION 32-2, DEFINITIONS, OF ARTICLE I, IN GENERAL, OF CHAPTER 32, ZONING, OF THE CODE OF ORDINANCES FOR THE CHARTER TOWNSHIP OF MILFORD, BY DELETING THE DEFINITION FOR “DRIVE-IN ESTABLISHMENT” AND ADDING NEW DEFINITIONS FOR “CURBSIDE PICK UP FACILITY,” “DRIVE-THRU SERVICE FACILITY,” “DRIVE-UP WINDOW FACILITY,” “WALK-UP WINDOW FACILITY,” “RESTAURANT (FAST FOOD)” AND “RESTAURANT (SIT-DOWN)” IN ORDER TO UPDATE THE DEFINITIONS FOR DRIVE-THRU AND SIMILAR PICK-UP SERVICES IN THE TOWNSHIP.**

**THE CHARTER TOWNSHIP OF MILFORD ORDAINS:**

**Section 1.     Amendment.**

The definition for “Drive-In Establishment” found in Section 32-2, Definitions, of Article I, In General, of Chapter 32, Zoning, of the Code of Ordinances for the Charter Township of Milford, shall be repealed in its entirety, and the following definitions shall be added to Section 32-2, Definitions, of Article I, In General, of Chapter 32, Zoning, of the Code of Ordinances for the Charter Township of Milford, which shall read as follows:

*Curbside Pick Up Facility* means a parking space that accommodates customers to wait in their automobile while the retail or restaurant staff will bring the goods, food and/or beverages to the customers. Businesses offering curbside pick-up service shall provide dedicated parking spaces for the customer.

*Drive-Thru Service Facility* means an establishment that accommodates automobiles and from which the occupants of the automobiles may make purchases or transact business, including the stacking spaces in which automobiles wait. Examples include but are not limited to drive-thru businesses where ordering occurs on-site prior to pick up at an on-site service window and similar uses, it includes menu boards, order boards or related boxes. Drive-thru facilities shall not include the direct refueling of motor vehicles, drive-up window facilities, parking spaces used for customer pick-up or loading of goods or products purchased on-site or prior to the customer’s arrival, or parking and loading spaces used for the donation of secondhand goods.

*Drive-Up Window Facility* means an establishment that accommodates automobiles and from which the occupants of the automobiles pick up goods, food and/or beverages or otherwise conduct business at a single window. For fast food restaurants to qualify as a drive-up window facility, food shall be pre-paid, with no on-site ordering from a vehicle permitted, and these facilities include the stacking spaces in which automobiles wait.

*Restaurant (Fast Food)* means a business establishment in which a patron purchases food or beverages, that (1) are served in disposable containers or wrappers, (2) may have been previously prepared, and (3) are principally ordered. A drive-thru, drive-up or a walk-up facility may be permitted as accessory to such use subject to conditions listed in Section 32-613 of this ordinance.

*Restaurant (Sit-Down)* means a business establishment in which a patron purchases food or beverages, which is then prepared after the patrons order, on the premises and which is thereafter served to the patron and is consumed by the patron while seated in the restaurant. A drive-thru, drive-up or a walk-up facility may be permitted as accessory to such use subject to conditions listed in Section 32-613 of this ordinance.

*Walk-Up Window Facility* means an establishment that accommodates customers to order and/or pick up goods, food and/or beverages or otherwise conduct business at a single window.

**Section 2. Savings Clause.**

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**Section 3. Severability.**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

**Section 4. Adoption.**

This Ordinance is hereby declared to have been adopted by the Charter Township of Milford Township Board at a meeting thereof duly called and held on the 21st day of April 2021 and ordered to be given effect upon publication as mandated by Charter and statute.

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Donald Green, Township Supervisor

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Holly Brandt, CMC, Township Clerk

**CERTIFICATION OF CLERK**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Charter Township of Milford Township Board on April 21, 2021 which was a regular meeting. I further certify that at said meeting there were present the following Board members:

I further certify that the adoption of said Ordinance was moved by Clerk Brandt and supported by Trustee Wiltse.

I further certify that the following Board members: Brandt, Wiltse, Green, Dagenhardt, Mazzara, Vulaj, Busick voted for the adoption of said Ordinance and that the following Board members voted against the adoption of said Ordinance: None

I further certify that no board members abstained from voting.

I hereby certify that said Ordinance has been recorded in the Ordinance Book in said Township and that such recording has been authorized by the signature of the Township Supervisor and Township Clerk.

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Holly Brandt, CMC, Township Clerk