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ORDER CONFIRMATION

Salesperson: ALYSSA HEIDER Printed at 04/16/26 08:41 by ahead-tc

Acct #: 2055 Ad #: 635467 Status: New WHOLD

WHITEWATER TOWNSHIP CLERK Start: 04/18/2026 Stop: 04/18/2026
P.O. BOX 159 Times Ord: 1 Times Run: ***
WILLIAMSBURG MI 49690 STDAD 3.00 X 7.46 Words: 500
Total STDAD 22.38
Class: 147 LEGALS
Rate: LEGAL Cost: 211.25
Affidavits: 1

Contact: Ad Descrpt: LEGAL NOTICE WHITEWATER T
Phone: (231)267-5141 Given by: *
Fax#: P.O. #:
Email: clerk@whitewatertownshipmi.g Created: ahead 04/16/26 08:34
Agency: Last Changed: ahead 04/16/26 08:41

PUB ZONE EDT TP RUN DATES
RE A 97 S 04/18
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No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

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ORDER CONFIRMATION (CONTINUED)

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LEGAL NOTICE

WHITEWATER TOWNSHIP
PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

The Whitewater Township Planning Commission will conduct a public hearing at a regular meeting on **May 6, 2026, at 7:00 PM**, at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

The purpose of the public hearing is to receive public comments on proposed amendments to the zoning ordinance. Amendments would have the following effects:

- Repeal and replacement of **Article 6 iV Corridor Overlay Planned Unit Development Zoning District** with new overlay district named M-72 Corridor Overlay District containing a new set of design standards pertaining to screening, architectural design, access management, landscaping, and signage.
- Repeal and replacement of **Article 7 iV Planned Unit Development** for the purpose of master plan alignment, procedural updates, density allowances, and other minor changes pertaining to clarity and readability.
- Amendments to **Article 8 iV Condominium Development Regulations** to provide for a residential cluster development option to encourage open space preservation, update requirements including those for landscaping, and for other minor changes pertaining to clarity and readability.
- Amendments to **Article 12 iV Site Plan Review** to improve process, clarify approval validity details, and for other minor changes pertaining to clarity and readability.
- Amendments to **Article 13 iV Special Land Uses** to delete redundant language, clarify approval validity details, and for other minor changes pertaining to formatting, clarity, and readability.
- Amendments to **Article 19 iV Administration** to provide clarification on the land use permit process, and for other minor changes pertaining to clarity and readability.
- Amendments to **Article 2 iV Definitions** to accompany the preceding amendments above.
-

All are welcome to attend and will be heard concerning the amendments. Amendments are available for public viewing at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours and/or the Township website: WWW.WhitewaterTownshipMI.gov.

Written comments will be received until 5:00 p.m. on the day of the meeting and should be addressed to the Whitewater Township, Attn: ZONING, P.O. Box 159, Williamsburg, MI 49690 or emailed to zoning@Whitewater-TownshipMI.gov.

Whitewater Township does not discriminate on the basis of disability in the admission to, access to, treatment in, or employment in, its programs or activities. The Clerk has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator/Clerk, (231)267-5141 x24.

This notice is posted in compliance with Public Act 267 of 1976 as amended (Open Meetings Act), MCLA 41.72a (2) and (3), and with the Americans with Disabilities Act (ADA).

April 18, 2026 - 1T

635467

Purpose of Public Hearing ZOA 2026-03 Giffels Webster Bundle #1

The purpose of the public hearing is to receive public comments on proposed amendments to the zoning ordinance. Amendments would have the following effects:

- Repeal and replacement of *Article 7 – Planned Unit Development* for the purpose of master plan alignment, procedural updates, density allowances, and other minor changes pertaining to clarity and readability.
- Amendments to *Article 8 – Condominium Development Regulations* to provide for a residential cluster development option to encourage open space preservation, update requirements including those for landscaping, and for other minor changes pertaining to clarity and readability.
- Amendments to *Article 12 – Site Plan Review* to improve process, clarify approval validity details, and for other minor changes pertaining to clarity and readability.
- Amendments to *Article 13 – Special Land Uses* to delete redundant language, clarify approval validity details, and for other minor changes pertaining to formatting, clarity, and readability.
- Amendments to *Article 19 – Administration* to provide clarification on the land use permit process, and for other minor changes pertaining to clarity and readability.
- Amendments to *Article 2 – Definitions* to accompany the preceding amendments above.”

memorandum

DATE: April 14, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1: PUD Section Memo and Amendment

Introduction

Several needed updates to the Planned Unit Development (PUD) section of the zoning ordinance have been identified through the zoning audit and conversations with staff. These include procedural improvements, development/site requirements, and alignment with the Michigan Zoning Enabling Act (MZEA). Additionally, Planning Commissioners have noted that requirements such as density, uses, clustering, and others should be reviewed.

Amendment History

- **October 1, 2025** – The Planning Commission reviewed the existing language and discussed additional purposes besides preserving open space that planned unit developments could serve in the Township. Possible developer incentives, desirable recreational amenities, and adjusting the minimum size for a PUD were also discussed. Proposed changes reflect these conversations.
- **November 24, 2025** – The Planning Commission reviewed the draft language and suggested a few edits, including the following:
 - References to the private road ordinance should remain in the text.
 - PUDs should be allowed in commercial zoning districts in addition to the residential districts where they are currently allowed.
 - A minimum of 15% of open space should be required in A-1, R-2, and R-3, a decrease from the existing 50%.
 - Additionally, we revised the density section to be more straightforward by providing a maximum density of 120% of what the base density would be using the minimum lot area of the zoning district.
- **February 4, 2026** – Planning Commission recommended we revert back to the 50% open space preservation requirement, and language for determining a minor versus major amendment. Additionally, we:
 - Removed references to rezonings, as we provide direction that will not require PUDs to be rezonings.
 - Realizing our language was not clear that modifications from the ordinance may be granted, we made more clear in 7.03 that modifications/deviations from the ordinance may be granted. The ability to give modification is a foundational element of the PUD

- option – to give flexibility because of the innovative, high-quality development and its benefits to its users.
- Added language about the development agreement which is a typical requirement by the legislative body.
- **March 4, 2026** – The Planning Commission reviewed the draft language and suggested that the unit/lot size requirements be made more clear in 7.06(B)(2), that this requirement would pertain to the divided lots within a site condominium/subdivision, if applicable. And, to specify where the road frontage can take place.
- **April 1, 2026** – The Planning Commission reviewed and suggested we check one code reference in Section 7.06(C.), but moved to set the public hearing for this May meeting. We corrected this code reference, and made a couple other code reference updates that needed updating.

Next Steps

After holding the public hearing, Planning Commission may move to recommend Township Board adoption of the amendment.

Items for Consideration in a Later Text Amendment

- Section 13.07 is referenced several times throughout this section where noticing is required. While much of the legal noticing requirements are the same, that section is specific to special land uses and may cause confusion when noticing is needed for PUDs. We recommend creating a separate “Notices” section that has the noticing requirements for all development review types in one place with the nuances for each detailed.
- While not in Planning Commission’s purview being a general code ordinance, we include language on a potential amendment to the Subdivision Control Ordinance to ensure PUD alignment in light of these zoning amendments.

Proposed Text Amendments

Due to the extent of amendments to this Article, we are proposing new language altogether. This will mean the existing Article 7 will be repealed in its entirety and replaced with this Article.

ARTICLE 7 - PLANNED UNIT DEVELOPMENT

7.01 PURPOSE, AUTHORITY, APPLICABILITY AND INTENT

- A. Purpose of this section: The purpose of this section is to provide standards for the submission, review, and approval of an application for a planned unit development (PUD).
- B. Authority: This Article is adopted pursuant to MCL 125.3503 of the Michigan Zoning Enabling Act of 2006.
- C. The provision of this option imposes no obligation upon the township to foster or encourage its use. The Township Board retains authority to determine if a PUD is appropriate for a particular development site and the sole discretion whether to approve the use of this option.
- D. Applicability: This section shall apply to all zoning districts.
- E. Intent: The PUD concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land than would otherwise be possible through the strict enforcement of the ordinance. The specific objectives of the PUD are to:
 - 1) Preserve large tracts of intact open space land to maintain the rural landscape and environmental resources of Whitewater Township
 - 2) Allow for a variety of density and housing types within a single development
 - 3) Facilitate mixed-use development
 - 4) Provide transitions and buffers between less compatible uses

7.02 CONVENTIONAL DEVELOPMENTS

Conventional developments are those that are not PUDs and that comply with the conventional development requirements. The Township discourages this type of development where it may detract from the Township's rural landscape and natural resources, result in a lesser quality or efficiency of development, when there are unique features of the property to be protected or that pose development challenges, where the flexibility permitted through the PUD could better further the vision of the master plan compared to conventional development, or there exists other circumstances unique to the site, use, or proposal.

7.03 PLANNED UNIT DEVELOPMENTS

- A. The Township encourages the use of Planned Unit Developments as an alternative to conventional developments. A PUD plan is a discretionary, optional form of development only permitted upon terms and conditions agreeable to the township, and is subject to approval by the Township Board following a recommendation by the Planning Commission.
- B. The PUD is not intended to avoid the imposition of standards and requirements of the underlying district. Rather, flexibility is permitted so that the PUD plan provides advantages to both the developer and the Township.

- C. As provided further below, the applicant for PUD approval must demonstrate that the proposed development represents an innovative, unified, planned approach to developing the site that would result in a significantly higher quality of development, the mitigation of potentially negative impacts of development, or more efficient development than conventional development will allow.
- D. Modifications to the Zoning Ordinance.
- 1) Use modifications. The Township Board, upon recommendation of the Planning Commission, may approve uses not permitted in the base zoning district with a finding that the use meets the intent and objectives of this Article and the Township Master Plan. Conditions applicable to special land uses shall be used as guidelines for design and layout but may be modified by the Township Board provided that such conditions are indicated on the PUD plan. The proposed uses and areas occupying such use shall be specifically noted on the PUD plan.
 - 2) Dimensional modifications. Modifications, or waivers, from compliance with the base dimensional regulations of this Ordinance may be granted by the Township Board, upon recommendation of the Planning Commission. Such modifications may be approved only after a finding that they will result in a higher quality of development than would be possible using conventional zoning standards, or that the development encourages flexibility, innovation, and creativity in development consistent with the intent and objectives of this Subsection. Such dimensional regulations include, but are not limited to yard, area, height, density, bulk, parking, access control, loading, landscaping, signage, and lighting regulations.

7.04 QUALIFYING CRITERIA

The following provisions shall apply to all PUD projects:

- A. Unified control. The planned unit development shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- B. Recognizable benefit. The applicant shall demonstrate that the PUD provides as many of the following site design elements as the township determines to be appropriate under the circumstances of the proposed development that could not be attained through a project designed under conventional zoning:
 1. Clustering of housing units
 2. Preservation of contiguous open space
 3. Preservation, enhancement, or restoration of natural resources (trees, slopes, nonregulated wetland areas, etc.)
 4. Establishment of a mixed-used development with residential and non-residential uses or a variety of housing types
 5. Redevelopment of brownfield or greyfield sites
 6. Pedestrian-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site
 7. Enhancement of the aesthetic appearance of the township through high-quality building design and site development beyond the site plan requirements of this chapter
 8. Extensive landscaping beyond the site plan requirements of this chapter
 9. Preservation or restoration of historic resources
 10. Provision of open space or public plazas or features

11. Use and improvement of existing sites when the uniform regulations contained in the underlying zoning district alone do not provide adequate protection and safeguards for the site or its surrounding areas or where the current ordinances do not permit flexibility to consider redevelopment, replacement, or adaptive reuse of existing structures or sites
 12. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses or between incompatible adjacent land uses proposed to be developed in a manner that is not possible using a conventional approach
 13. Shared vehicular access between properties or uses
 14. Provision of a public improvement that would not otherwise be required to further the public health, safety, and welfare, protect existing or planned uses, or alleviate or lessen an existing or potential problem relating to public facilities (such as road improvements or the relocation of overhead utilities)
 15. Significant use of sustainable building and site design features such as: water use reduction, water-efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimized energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the U.S. Green Building Council (LEED) or ANSI National Green Building Standards
 16. Permanent establishment of land use patterns that are compatible with or will protect existing or planned uses, which may include the limitation of the permissible uses of the property
 17. Innovation in land use, form of ownership, and variety in design, layout, and type of structures constructed
 18. Other benefits as determined by the township
- C. Compatibility with adjacent uses. The proposed location of uses or structures that are of a significantly different scale or character than the abutting districts and uses, such as access drives, parking areas, waste receptacles, swimming pools, sports courts and facilities of a similar nature, shall not be located near the perimeter of the PUD unless adequately screened and buffered, so as to mitigate any negative impacts on adjacent lands.
- D. Master plan. The proposed PUD shall be consistent with the Whitewater Township Master Plan.

7.05 SUBMISSION AND REVIEW PROCESS

- A. Pre-application. Prior to filing an application for a planned unit development, applicants may request an optional pre-application conference with the Zoning Administrator and no more than two (2) members of the Planning Commission. The purpose of the meeting is to discuss the PUD procedures, explanation of this zoning ordinance, and to assist the applicant and township with understanding of general concepts and design parameters prior to investment in preparation of a site plan and PUD application. Township officials at this meeting shall not indicate or otherwise commit the township to any particular action regarding the application.
- B. Application. The applicant shall submit the required number of prints of the preliminary development plan to the township. Application materials will be reviewed for completeness by the Zoning Administrator. If the application is not administratively complete, the Zoning Administrator will return the application to the Applicant(s) with a letter that specifies the additional material(s) required. If the application is deemed administratively complete, the Zoning Administrator will forward the application to the Planning Commission for consideration. The preliminary plan shall contain, in addition to the requirements of Article 12, the following:

- 1) A boundary survey by a registered civil engineer or land surveyor of the exact acreage being requested for development.
- 2) A topography map of the entire area at contour intervals of at least two feet. This map shall indicate all major stands of trees, bodies of water, and unbuildable areas due to soil conditions, wetlands, and so forth.
- 3) A preliminary site plan for the entire parcel carried out in such detail as to indicate the functional uses being requested (residential, commercial, office, etc.); the densities, number and types of units (if applicable) and floor area per habitable space; the traffic circulation plan; pedestrian circulation; type, location, height, bulk and capacity of structures; and automobile parking and loading.
- 4) All open spaces, including preserves, recreational areas, and the like, and each purpose proposed for such areas together with copies of deeds, deed restrictions, easements, restrictive covenants or other legal instruments to be recorded as part of the development plan.
- 5) All known natural resources and natural features to be preserved.
- 6) A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
- 7) A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
- 8) A written document detailing the community impact statement, suitability of the site, population densities, parking ratios, traffic generation, traffic impact analysis, and development schedule of buildings, units and uses supporting the proposed development.
- 9) The preliminary plans for provision of any community water and sanitary sewer facilities.
- 10) A fee as set by the Township Board from time to time.

C. Planning Commission review.

- 1) Material submitted with the application or on subsequent requests shall include all plans, maps, studies, and reports that may reasonably be required to make the determinations called for in the particular case. Upon receipt of an application by the township, such request shall be referred to the Planning Commission for its review and recommendation.
- 2) The Planning Commission shall hold a public hearing to hear and consider documents and comments related to the PUD proposal. Notice and procedures for public hearings for PUDs shall be provided as required under state law and detailed in section 13.07. In its review, the Planning Commission shall determine whether the PUD plan meets the standards for qualification and approval set forth in sections 7.04 and 7.08, respectively
- 3) Assessments: The Planning Commission may require an Environmental Impact Statement, Traffic Impact Study, or any other assessment to ensure the public health, safety, and welfare of the Whitewater Township residents.
- 4) Following said public hearing, the Planning Commission shall, within a reasonable time, forward their report and recommendation to the Township Board.

D. Township Board review.

- 1) Upon receipt of the report and recommendation from the Planning Commission, the Township Board may approve the PUD following a public hearing on the proposal that was noticed as

required by law and detailed in section 13.07. A denial by the Township Board shall be specified in writing, with the reasons for the denial noted.

- 2) Once a planned unit development has been approved by the Township Board, no development may take place in such area, nor may any use thereof be made, except in accordance with the plan approved or in accordance with an approved amendment subject to 7.09.

E. Submission of site plans and engineering.

- 1) Final site plan/subdivision/condominium or other final development plans may be applied for simultaneously with the PUD application.
- 2) The final site plan shall be in conformity with the preliminary original plan previously approved.
- 3) For those improvements to be constructed following approval, final site plans or plats may be submitted simultaneously with a phase plan, if applicable. All such final plans shall include the following:
 - a. A detailed site plan, fully dimensioned, showing a fully scaled plan view of all buildings, all public road right-of-way and public streets, densities, parking areas, utilities, parks, playgrounds, and areas to be set aside for the use of the public or by residents within the development.
 - b. Floor plans and elevations typical of all buildings, except detached single family, shall be submitted.
 - c. Each plat or site plan submitted within the planned unit development shall, either individually or in combination with a previously approved project, meet the standards of this section as to density and open space requirements. Open space shall be computed as a proportionate amount of the total open space requirement.
 - d. All open space/common areas for use by the public of the residents shall be designated on the plan and shall be irrevocably committed to such uses by dedication, restrictive covenants, or in some manner satisfactory to the Township Board.
- 4) Phasing and commencement of construction.
 - a. Phasing: Where a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presences of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall contemplate that at least 35% of all proposed residential uses are completed concurrent with the first phase of any non-residential construction; completion of at least 75% of all proposed residential construction prior to the second phase of non-residential construction; and completion of 100% of all residential construction prior to the third phase of non-residential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the Planning Commission, and further, such percentage may be significantly varied should the Planning Commission determine, in its discretion, that the applicant has presented adequate and effective assurances that the residential component or components of the project shall be completed within the specified period.
 - b. Commencement and completion of construction: Construction shall be commenced within one year following final approval of a planned unit development, or within one year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the

project shall be commenced within one year of the schedule established for the same in the application submission for the planned unit development. If construction is not commenced within such time, any approval of the final plan for the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Planning Commission prior to the expiration of the initial period.

- 5) Infrastructure approval. All infrastructure shall be approved by Grand Traverse County and any other entity with jurisdiction. Private road development shall follow the Whitewater Township Private Road Ordinance. Drainage structures such as detention / retention ponds shall be designed to blend with the landscaping features of the project.
- F. Performance guarantees. The Planning Commission may require reasonable performance guarantees, as authorized under the Michigan Zoning Enabling Act to insure completion of improvements.
- G. Effect of approval. If and when approved, the planned unit development, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such approval. The applicant shall record an affidavit with the Register of Deeds containing the legal description of the entire project, specifying the date of approval of the planned unit development, and declaring that all future development of the planned unit development property has been authorized and required to be carried out in accordance with the approved planned unit development unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferee and/or assigns.

7.06 USE, YARD, DENSITY, AND LOT ARRANGEMENT STANDARDS

- A. Uses. The following uses may be developed as a planned unit development, provided that the planned unit development eligibility requirements are satisfied and site plan approved.
 - 1) Residential Uses. The allowable residential units may be developed as single-family in the RC-1, A-1, R-2 and R-3 districts, two-family in A-1, RC-1 and R-2 districts or multi-family residences in R-3 districts. Planned unit development may be accomplished through the Subdivision Control Ordinance approval processes. Planned unit development/Subdivision and Site Plan reviews shall occur concurrently in one proceeding to the extent practical.
 - 2) Commercial, office, and medical office uses may be developed as a planned unit development, provided that that the planned unit development eligibility requirements are satisfied and the site plan approved.
 - 3) Mix of residential uses and commercial or office uses, either attached in the same building(s) or detached across an integrated manner on a site.
- B. Lot Size and Yard Requirements
 - 1) The minimum parcel size for a planned unit development shall be twelve (12) acres.
 - 2) Individual lot/unit sizes for subdivisions (if applicable):
 - a. Without common or municipal sewage disposal services or water supply: The Planning Commission may allow for lots or units to be a minimum of 20,000 square feet with 100 feet of road frontage. The road frontage may take place within the subdivision's proposed public or private roads.
 - b. With common or municipal sewage disposal services or water supply: The Planning Commission may allow for lots or units to be a minimum of 12,000 square feet in area with 80 feet of road frontage. The road frontage may take place within the subdivision's proposed public or private roads.

- c. With common or municipal sewage disposal services and water supply: The Planning Commission may allow for lots or units to be a minimum of 8,000 square feet with 50 ft. of road frontage. The road frontage may take place within the subdivision's proposed public or private roads.
 - 3) The applicant shall submit proposed setback requirements if they deviate from the required setbacks in the zoning district.
 - 4) The above minimum requirements are subject to Health Department approval.
 - 5) Larger lots or units may be required for multi-family dwellings.
- C. Residential Density
- 1) Density calculations shall be based on contiguous parcels of land. If the parcels are not contiguous each tract shall be a separate application (road rights-of-way do not break continuity).
 - 2) To determine the net acreage of a piece of property verify with Section 8.05.C.2.d that your property has conservation value. Then subtract from the total (gross) acreage of the site the total acreage of all the existing road rights-of-way and applicable preserved open space based on conservation value.
 - 3) The maximum number of allowable residential units on a A-1, RC, R-2, or R-3 planned unit development shall not exceed 120% of the base residential unit density of the district. The base residential unit density shall be calculated by dividing the net acreage of the site (as determined in 7.06.C.2 above) by the minimum lot area of the zoning district.
- D. Arrangement of lots or suites. Lots or units shall be arranged in a manner that protects land of conservation value and facilitates pedestrian and bicycle circulation. The lot layout shall comply with applicable portions of any design guidelines provided in Conservation Design for Subdivisions published by Island Press in 1996 or establish the same intent with similar designs acceptable to the Whitewater Township Planning Commission. A copy of the publication is available for viewing in the Planning and Zoning office.

7.07 MINIMUM PRESERVED OPEN SPACE

Since a major purpose of a planned unit development is to preserve open space, all Planned Unit Developments shall preserve at least 50% of the parcel(s) as open space in the A-1, R2 and R3 districts, and 80% in the RC district. All standards in section 8.05.C.2.d Open Space Preservation Requirements apply.

7.08 STANDARDS FOR APPROVAL OF THE PUD PLAN

The following standards shall be considered by the Planning Commission and Township Board when reviewing the application and the proposed PUD plan:

- A. The PUD project meets the qualification requirements of section 7.04 above.
- B. The uses proposed will have a beneficial effect in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses.
- C. The uses proposed will not adversely affect the public utilities and traffic circulation system, adjacent properties, or the environment.
- D. The recognized public benefits of the project could not be achieved under the regulation of the underlying district alone.

- E. Conditions of approval, modification or waiver of standards or requirements: Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, insuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of the individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purposes of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

7.09 AMENDMENTS TO THE PUD

- A. An applicant may request an amendment to an approved PUD. The request for the amendment shall be made in writing to the Township.
- B. The Planning Commission shall make a determination on if the amendment constitutes a minor or major amendment. Examples of major amendments include, but are not limited to, increases in scope of density of use, land area, or building size; the addition of uses or buildings not authorized by the original PUD approval; the rearrangement of lots or building tracts; changes in the character or function of the drives and vehicular circulation patterns; changes in the concept of development; or changes to any written development agreement with the Township Board.
- C. All major amendments shall follow the procedures and conditions herein required for original submittal and reviewed in full.
- D. Minor amendments may be permitted by the Planning Commission following normal site plan review procedures outlined in Article 12, subject to its finding of the following:
 - 1) Such changes will not adversely affect the initial basis for granting approval; and
 - 2) Such minor changes will comply with all applicable requirements of this chapter and other local, state, and federal laws; and will not adversely affect the overall PUD in light of the intent and purpose of such development as set forth in this Article.

7.10 DEVELOPMENT AGREEMENT

- A. When such approval is given, it shall be tentative, and the Township Board shall instruct the Township's legal counsel to prepare a development agreement, which shall incorporate the PUD Plan and specify the terms, conditions, and provisions upon which the approval is based. The agreement shall provide at a minimum:
 - 1) A legal description of the property comprising the proposed development.
 - 2) The manner of ownership of the developed land.
 - 3) The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - 4) Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the Township may require conveyances or other documents to be placed in escrow to accomplish this.
 - 5) Provisions to provide for the future financing of any improvements shown on the plan for site improvements, open space areas and common areas that are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the planning commission.

- 6) Provisions to ensure the cost of installing, improving and maintaining streets and the necessary utilities has been assured by a means satisfactory to the Township.
 - 7) Provisions to ensure adequate protection of natural features.
 - 8) Provisions relating to the approved use(s) of the property and any conditions imposed by the Township with regard to such use.
 - 9) Other terms and conditions necessary in the city's opinion to assure compliance with the Township's code of ordinances and the PUD plan being approved.
 - 10) The approved PUD plan shall be incorporated by reference and attached as an exhibit.
- B. Such development agreement shall not permit any future modifications or deviations from the zoning ordinance than what was granted as part of the PUD approval.
 - C. After approval of the development agreement by resolution of the Township Board, the agreement shall be executed by the Township and the applicant and recorded in the County Register of Deeds. Final approval of the PUD plan shall be effective upon recording. Physical development of the site shall be in accordance with the approved PUD plan.

7.11 EXPIRATION OF A PUD

- A. If construction is not initiated related to the development, PUD approval shall expire two (2) years from the date of final approval. Upon written request stating the reasons therefore, the Planning Commission shall make a recommendation to the Township Board regarding PUD approval extension for an additional one (1) year period if the following evidence is shown by the applicant:
 - 1) The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - 2) The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - 3) Development or redevelopment in the proximity to the approved PUD and/or PUD phase has not resulted in changed conditions impacting the site.
 - 4) There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
- B. An application for an extension of a PUD must be filed at least 60 (sixty) days prior to the expiration of the original PUD approval.
- C. Upon termination of a PUD, the zoning requirements shall revert to the current requirements for the zoning district designated for the property.

SUBDIVISION ORDINANCE

SECTION 6.3 DEVIATION FROM STANDARDS IN PLANNED UNIT DEVELOPMENTS

- A. The developer may deviate from specified portions of this Ordinance in the case of a planned unit development, provided the Planning Commission finds that such a plan meets the standards for approval as detailed in section 7.09 and all of the zoning ordinance, The Planning Commission shall take into account the nature of the proposed use of land and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. The Planning Commission shall report to the Township Board whether:
- 1) The proposed project will constitute a desirable and stable community development.
 - 2) The proposed project will be in harmony with adjacent areas.
 - 3) The proposed project will be consistent with the Township Master Plan.
- B. Modification or waiver of standards or requirements: Since the express purpose of this Article is to achieve better use of land than would be likely under strict adherence to the standards and requirements of the Zoning Ordinance, the Planning Commission may recommend and the Township Board may approve applications for Planned Unit Development where the application requires the modification or waiving of specific standards or requirements contained within this Article provided that the proposed PUD complies with the full intent and purpose of this Article, and further that it is clearly shown that such modification or waiving of specific standards or requirements will result in a recognizable and substantial benefit which would not otherwise accrue to the community if all provisions of this Article were to be met.

memorandum

DATE: April 14, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1: Condominium Development Regulations Memo and Text Amendment

Introduction

Several needed updates to the condominium development regulation section of the zoning ordinance have been identified through the master plan, zoning audit, and conversations with staff.

Amendment History

- **October 1, 2025** – The Planning Commission reviewed the existing language and discussed priorities for condo development standards. Changes related to encouraging cluster development and permanently protecting sensitive natural features were identified as the highest priority, followed by access management to reduce curb cuts and promote internal street connectivity. Proposed changes to section 8.05.C reflect these priorities.
- **November 24, 2025** – The Planning Commission suggested capping the maximum density of the residential cluster option at the density that would be allowed by conventional land subdivisions/condominiums. We provided language in 8.05.C.2. to accomplish this.
- **February 4, 2026** – The Planning Commission suggested that for the net parcel area, we should simply take an automatic 15% off the gross parcel acreage for public or private street rights-of-way, instead of requiring the calculation of such space. Also, Planning Commission suggested that septic fields should not be considered open space.
- **March 4, 2026** – The Planning Commission discussed how the open space size requirements could work, and expressed they would be favorable to doing a tiered open space requirement, with requirements for more open space given certain conditions. We provide this in the proposed Table 8.05.C.2.c. Additionally, we realized we should have some sort of general perimeter/common area landscaping requirements for site condominiums to ensure clear-cut or undeveloped space are not being built without the addition of beneficial trees. We provide this in 8.05.B.14. We also consolidated some of the language pertaining to land excluded from open space consideration.
- **April 1, 2026** – The Planning Commission reviewed the language and did not offer any written comments, to our knowledge. Planning Commission set the public hearing for this May meeting. We updated code references to ensure accurate referencing.

Next Steps

After holding the public hearing, Planning Commission may move to recommend Township Board adoption of the amendment.

Proposed Text Amendment

ARTICLE 8 - CONDOMINIUM DEVELOPMENT REGULATIONS

[Repeal and replace the relevant sections as follows.]

8.02 APPLICABILITY

- A. General Provisions: Prior to recording of the master deed, required by Section 72 of the Condominium Act, a condominium project shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium project in the Township.
- B. Plat Approval: There shall be no requirement for plat approval for a condominium project under the Township Subdivision Control Ordinance, General Ordinance 16.
- C. Planned Unit Developments: The procedural provisions of this section shall not apply to Planned Unit Developments, which are reviewed and approved through the Planned Unit Development procedures in Article 7 of this Ordinance.
- D. Condominium Conversion: All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.
- E. Mobile/Manufactured Home Condominium Project: Mobile/Manufactured home condominium projects shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such projects shall be located only in a zoning district that provides for mobile/manufactured home. The review and approval shall be processed in accordance with this Article as a site condominium subdivision.
- F. Site Condominium Subdivisions
 - 1) Site Condominium Definition. For this section, a site condominium subdivision shall include all developments, in any zoning district, proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended).
 - 2) Site Condominium General Requirements. The site condominium subdivision plan indicates specific unit dimensions with front, rear and side lot lines. These parcels are also referred to as site condominium lots, and the size, location and arrangement of these site condominium lots shall conform to the requirements of this ordinance. A condominium project is designed to function in a similar manner, or as an alternative to, a platted subdivision. Outside of the condominium lots, common elements of the development are defined for co-owners.

8.04 GENERAL REQUIREMENTS

- A. Compliance with Federal, State and Local Laws: All condominium projects shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.
- B. Fee Required: Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such

application fee shall be independent of any required consultation costs as described in Section 8.03 above.

- C. Information Required: All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 12.03 (G). A person, firm, or corporation intending to develop a condominium development shall provide the following information:
- 1) Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
 - 2) The name of the proposed condominium development.
 - 3) The name, address, telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
 - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
 - c. The individual or entity applying for the condominium development.
 - 4) The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
 - 5) The acreage of the land on which the condominium development will be developed located. Additionally, if the condominium is a residential cluster option development, the calculations pertaining to 8.05.C.2 shall be provided.
 - 6) The land use and existing zoning of the proposed condominium development.
 - 7) The following information for subject parcel and all parcels within 300 feet of the proposed site: a. Name and address of the owners b. The zoning classifications c. Existing structures or significant landmarks
 - 8) Location, type, dimensions, and proposed use of all existing structures.
 - 9) A location map showing the relationship of the proposed condominium development plan to the surrounding area.
 - 10) Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
 - 11) Condominium unit lot lines and the total number of condominium units to be developed on the subject parcel.
 - 12) Description of water system to be implemented.
 - 13) Description of sanitary waste disposal system to be implemented.
 - 14) Public roads, private roads, and right-of-way easements, showing location, width, and purpose. All private roads in a condominium subdivision shall comply with the specifications of any applicable ordinance, state law, or federal law.
 - 15) Existing topographic elevations at two (2) foot intervals, proposed grades, and direction of drainage flows.
 - 16) Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types. Significant vegetation includes all trees with a minimum trunk diameter of 18 inches at 4 1/2 feet above the surrounding grade.

17) Any additional information deemed necessary during plan review.

- D. Utility Easements: The condominium development plan shall include and describe all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.
- E. Performance Guarantees: As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in Article 12, specifically Section 12.08 of this Ordinance.

8.05 STANDARDS AND DESIGN FOR SITE CONDOMINIUM DEVELOPMENTS

- A. Site-Condominium Lots: The condominium development plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit or lot.
- B. Site-Condominium Development Layout and Design: The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements and guidelines.
 - 1) Should there be unusual topographic or other natural feature constraints, these requirements may be adjusted to unique site conditions in accordance with the judgement of the township Planning Commission.
 - 2) Each condominium lot shall comply with the requirements of each zoning district in which it is located, and all condominium lots and required setbacks shall be measured from the designated front, rear and side condominium lot lines. The lot sizes and lot widths of a Residential Cluster Option development may be reduced from the base zoning district requirements, but must meet the standards described in subsection 8.05.C below.
 - 3) Each condominium dwelling unit shall be located within a condominium lot. In a condominium development approved for single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.
 - 4) There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.
 - 5) Existing features, natural or otherwise, which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the condominium development.
 - 6) Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium development may be set aside for other uses, such as parks or other open space.
 - 7) Easements shall provide for utilities when necessary.
 - 8) All condominium development units and accessory structures shall be accessible to emergency vehicles.

- 9) Common open space provided shall remain open for recreational and conservational purposes and recorded as part of the master deed.
 - 10) Condominium development units having water frontage shall meet the requirements of Section 5.02 Shared Waterfront Easements.
 - 11) A plan for erosion control and storm water discharge must be approved by the appropriate public agency.
 - 12) All condominium developments shall obtain approval from all applicable governing agencies.
 - 13) Environmental impact assessments, traffic studies, or other studies may be requested by the Planning Commission to better understand the impacts of the proposed development.
 - 14) Required landscape perimeter. Tree plantings shall be provided along the outer perimeter of the condominium's entire parcel in accordance with 8.05.B.14.a. through c. below. The tree plantings shall be outlined in the condominium plan as a common element; or, if not included in a common element, the condominium plan and master deed shall specify that the perimeter trees be the applicable lot/unit owner's responsibility into perpetuity.
 - a. Road frontage perimeter. Along any road frontage, where the site condominium parcel abuts an existing public road right-of-way, one deciduous canopy or evergreen tree shall be planted for every whole 40 feet of linear perimeter.
 - b. Interior perimeter. Along any perimeter where the site condominium parcel abuts another parcel (even if separated by an easement, but not a road right-of-way), one deciduous canopy or evergreen tree shall be planted for every whole 50 feet of linear perimeter.
 - c. Planning Commission may waive one or both of the above requirements 8.05.B.14.a or b. with the finding that existing woodlands provide an adequate perimeter greenbelt.
- C. Residential Cluster Option
- 1) Purpose and applicability. To encourage the concentration of development and preservation of land, this residential cluster option is available to all condominium developments. All layout and design standards described in subsection 8.05.B above still apply, except where otherwise noted.
 - 2) Residential Cluster Option Layout and Design.
 - a. The subdivision shall consist of a minimum of four (4) residential lots.
 - b. The net parcel area is the remaining area after the acreage of all the following have been deducted from the gross parcel acreage:
 1. All preserved open space
 2. All areas with overhead utility line easements
 3. All proposed stormwater management ponds
 4. 15% of the gross parcel acreage for the purpose of public or private street rights-of-way.
 - c. Required Minimum Open Space and Lot Size/Width Reductions. The minimum open space area shall be provided based on the utility availability on the parcel, in accordance with the following table below. Additionally, lot sizes and widths may be reduced accordingly. However, the residential cluster option shall not result in a greater number of dwelling units than what would be permitted under the conventional zoning across the entire land area.

TABLE 8.05.C.2.c Required Minimum Open Space and Lot Size/Width Reductions			
Development Utility Availability	Minimum Open Space Area Requirement*	Maximum Reduction in Lot Size	Maximum Reduction in Lot Width
Public water and sewer	30%	50%	30%
Public sewer or public water only	35%	40%	20%
No public utilities	40%	30%	10%
*The required minimum open space shall be increased by an additional 10% when the parcel contains an environmentally sensitive area. In this case, the lot size or lot width reduction may remain the same.			

d. Open Space Preservation Requirements.

1. The required minimum open space shall be provided in accordance with the table above (Table 8.05.C.2.c Required Minimum Open Space and Lot Size/Width Reductions).
2. It is intended that a portion of the open space be used for recreation or use by the lot owners within the development and should be easily accessible to pedestrians.
3. The open space protected pursuant to subsection 8.05.C.2.d.7 below must have "conservation value," which may include recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value. Examples of lands with conservation value include land in active agriculture, large areas of contiguous mature forest, stream corridors, ridgelines, and scenic areas including important vistas or viewsheds seen from public places. Wetlands are considered to have conservation value yet will not count towards density calculation. Whenever the Planning Commission approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land.
4. Such permanent open space may be determined through the preparation and submittal of a site analysis which identifies native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water, steep slopes, and other unique or aesthetic features. Any irreplaceable natural features located on the lot (such as, but not limited to stream beds, significant stands of trees, etc.) shall be included in the open space.
5. Any portion of the open space with at least one dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the percentage of lot area preserved.
6. Land excluded from consideration of open space shall include: golf courses; the area of any street right-of-way proposed to be dedicated to the public, access easements for private roads or underground or overhead utilities; the required setbacks surrounding an existing residential structure that is located on an individual lot or condominium site; limited common areas; parking and loading areas; septic tanks, infrastructure, and drain fields; required perimeter tree planting areas of 8.05.B.14 (unless preserved woodlands are serving as a waiver from the required tree planting areas); land areas containing or impacted by gas or oil wells; land areas containing personal wireless communication facilities, electrical transmission lines; or land containing similar elements as described herein. Stormwater detention or retention facilities may be included in the required open space if designed to reflect a natural wetland.

7. Open space shall be permanently preserved as required by this Section. Land set aside as permanent open space may be included as a portion of one or more large parcels on which dwellings and other structures are permitted, provided that a conservation easement is placed on such land pursuant to subsection 8.05.C.2.d.7.A below, and provided that the Planning Commission approves such configuration. Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land.
 - A) Permanent preservation by conservation easement
 - i. A perpetual conservation easement restricting development of the open space land and allowing use only for agriculture (not including structures), forestry, recreation, protection of natural resources, or similar conservation purposes, pursuant to MCL 324.2140 - 2144, shall be granted to the Township, with the approval of the Township Board, or to a qualified not-for-profit conservation organization acceptable to the Planning Commission. Such conservation easement shall be approved by the Planning Commission and shall be required as a condition of municipal approval. The Planning Commission may require that the conservation easement be enforceable by the Township if the Township is not the holder of the conservation easement. The conservation easement shall be recorded in the office of the Register of Deeds prior to or simultaneously with the recording of any final plat or Master Deed in the office of the Register of Deeds.
 - ii. A development rights easement under MCL 324.36101 et seq. may be substituted for a conservation easement for purposes of permanently preserving the open space only if its term is perpetual.
 - B) Ownership. Open space land may be dedicated to Township, County, or State governments, transferred to a nonprofit organization acceptable to the Planning Commission, or held in such other form of ownership as the Planning Commission finds adequate to properly manage the open space land and to protect its conservation value.
8. Recreational uses. Recreational areas are recommended to be incorporated in a portion of the open space in order to create a park-like setting and provide connectivity to other areas in the Township. Paths for walking throughout the open space are required in a cluster development. Other desirable amenities include playgrounds, green space, a dog park, community gathering spaces, and bike paths that connect to paths beyond the development. Outdoor sports courts that create impervious surfaces may be allowed in 10% of the required open space in the planned unit development. Structures such as buildings are not allowed in the open space.
9. Notations on plat or site plan. Preserved open space land shall be clearly delineated and labeled on the final plat or Site Plan as to its use, ownership, management, method of preservation, and the rights, if any, of the owners of other lots in the development to such land. The plat or Site Plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation describing recording information for any conservation easements or restrictive covenants required to be filed to implement such restrictions.
10. Maintenance standards.
 - A) Ongoing maintenance standards shall be established, enforceable by the Township against an owner of open space land as a condition of development approval, to

ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials.

- B) If the Township Board finds that the provisions of subsection 8.05.C.2.d.10.A above are being violated such that the condition of the land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Township shall be assessed against the landowner or, the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

memorandum

DATE: April 14, 2026
TO: Whitewater Township Planning Commission
FROM: Andy Aamodt, Giffels Webster
SUBJECT: Bundle 1: Development Process Memo and Text Amendment

Introduction

Several needed updates to the development process section of the zoning ordinance have been identified through the zoning audit. Clear standards and processes are needed to support economic development in the ways and places desired by the Township. This memo will review Articles 12 and 13 as well as section 19.05 through 19.08 of the zoning ordinance, focused on site plan review, special uses, and land use permits, respectively. While standards related to special land uses are included in section 13.17 and we have provided some minor suggested changes, we did not do a thorough review of the standards themselves and are not providing suggestions on those standards as part of the work associated with this amendment.

Amendment History

- **October 1, 2025** – The Planning Commission reviewed the existing language and discussed what is working and what could be improved regarding the Township’s development process. Section 12.04 was discussed in particular, highlighting what is needed to clarify standards for decision for consistent application and the need to connect those standards to application materials. The commission also reviewed scenarios when plot plans are sufficient, and suggested changes to the list. Finally, the need for annual permits for home occupations was discussed. Proposed changes reflect these conversations.
- **November 24, 2025** – The Planning Commission reviewed the draft language and a few revisions were suggested by the Planning Commission, including:
 - Fire Department preliminary review provided in the site plan review process.
 - One-year site plan approval expiration details were cleaned up, with an extension ability added in.
 - Land use permit applicability was clarified.
 - Accessory buildings of up to 1,000 square feet (increased from 400) are now covered under the Zoning Administrator’s administrative site plan review.
 - Additionally, we went ahead and provided a definition for *environmentally sensitive area*.
- **February 4, 2026** – The Planning Commission suggested a few revisions, including the following:
 - Revisions to the *environmentally sensitive area* definition. We wish to note that we propose saving the woodlands discussion for a future Bundle.

- The size threshold for zoning administrative review of accessory buildings was increased to 1,200 square feet as well.
- We made more efficient connections between site plan review and land use permits, and we specified language for land use permit expiration.
- **March 4, 2026** – The Planning Commission suggested a few revisions, including the following:
 - Planning Commission asked us to research if the State DNR’s mapping for woodland areas can be included in the “environmentally sensitive area” definition. **After reviewing this request, we have found that DNR mapping of state forest woodlands only includes state lands and not private property, therefore this will be an unnecessary addition. We recommend moving forward for now without reference to woodlands in the environmentally sensitive area definition.**
 - Added a definition for “substantial construction” and used it in the text accordingly. Note that in reviewing the usage of this term throughout the text, we realized we should just link the special land use construction expiration language to the site plan expiration language, instead of having a separate standard there.
 - Added a maximum construction pause/construction abandonment timeframe. With this addition, we renamed Section 12.07 “Site Plan Approval Validity.”
- **April 1, 2026** – The Planning Commission reviewed and suggested a few minor revisions, including the following, but moved to set the public hearing for this May meeting.
 - Add that trash enclosures shall have concrete slabs.
 - Clean up typos and formatting.

Next Steps

After holding the public hearing, Planning Commission may move to recommend Township Board adoption of the amendment.

Items for Consideration in a Later Text Amendment

- Place site standards in a separate section instead of embedding them in the development process. For example, section 12.04.G discusses specific loading and unloading requirements within the list of standards that site plans are held to.
- Define “commercial dog kennel.”
- Move the standards for specific special land uses detailed in section 13.17 to separate sections for each use.

Proposed Text Amendment

ARTICLE 2 – DEFINITIONS

[Add new definitions]

Environmentally sensitive area: any land that contains the following, or any combination of the following:

- A. Slopes in excess of 15% slope grade
- B. Regulated wetlands or within 25 feet of a regulated wetland
- C. Flood hazard area: the areas indicated within the limits of the 100-year flood boundary, which are termed “special flood hazard areas (SFHAs)” in the Flood Insurance Rate Maps (FIRM maps).
- D. Land within 100 feet of a water body or water course, as measured from the ordinary high water mark or stream/river bank, as applicable.

Substantial construction: permanent construction work or installations on the site or buildings, including but not limited to foundation work, structural framing, utility installation, or structural building work. Substantial construction does not include the mere clearing of the site, site preparation, or site grading.

ARTICLE 12 - SITE PLAN REVIEW

[Repeal and replace the relevant sections as follows, and add Section 12.13.]

12.02 SITE PLAN REVIEW: WHERE REQUIRED

Site plan review shall be required for any of the following activities:

- A. Erection, moving, conversion or structural alteration to a building or structure other than a single-family dwelling.
- B. Development of non single-family residential uses in single-family districts and development of non-agricultural uses in the agricultural district except for a single-family dwelling.
- C. All special land uses.
- D. Any excavation, filling, soil removal or mining, except for the creation of ponds for agricultural use.
- E. All site condominiums, condominium subdivisions and PUD's.
- F. All proposed uses or redevelopments in environmentally sensitive areas as required.

12.03 SITE PLAN REVIEW: REQUIREMENTS AND PROCEDURES:

- A. **Procedures and Requirements:** The Township has established a range of site plan review procedures intended to allow the appropriate level of review relative to the scope of the project. The more complex the project, the more detailed the review process. The Township has also established two optional review procedures with staff and with the Planning Commission intended to provide applicants an opportunity to discuss projects on a conceptual level with minimal upfront expenditure.
- B. **Optional Pre-Application Conference:** In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application conference with the Zoning Administrator, up to three (3) members of the Planning Commission and such other Township representatives as appropriate. The purpose of such a conference is to provide information and guidance to the

applicant that will assist in preparation of the site plan. The applicant is encouraged to provide rough conceptual drawings or site plans indicating the location and boundaries of the subject property. No formal action shall be taken on a site plan at a pre-application conference.

- C. **Completeness Review:** The Zoning Administrator shall conduct a completeness review to determine that all required information has been submitted on or with the site plan application, and that any significant deficiencies, as cited by the Zoning Administrator, have been corrected. This completeness review shall not constitute an official decision on whether an application complies with the provisions of this Ordinance.
- D. **Preliminary Fire Department Review:** The Fire Department shall conduct a preliminary review and may provide an advisory recommendation to the Planning Commission.
- E. **Planning Commission Site Plan Review:** The applicant shall submit the following prior to being scheduled for Planning Commission review:
 - 1) Township Review Fee (if applicable).
 - 2) Township Application (if applicable).
 - 3) A written description of the proposed of the proposed project or use.
 - 4) Any additional information the Planning Commission finds necessary to make determinations required herein.
 - 5) A ten complete site plans that include the information listed in Section 12.03 (F) below, Required Information.
 - 6) One digital copy of the site plan in a form acceptable to the Township.
- F. **Final Decision:**
 - 1) Upon review, the Planning Commission may approve, approve with conditions or deny the site plan. If the site plan is denied, the Planning Commission shall state the reasons for such denial. If conditions are included, the Zoning Administrator shall ensure the conditions are met prior to issuance of building permits relevant to site construction, issuance of land use permit, and/or issuance of a certificate of occupancy.
 - 2) Fire Department shall grant approval of the site plan, prior to issuance of building permits relevant to site construction, issuance of land use permit, and/or issuance of a certificate of occupancy. Fire Department's scope of review shall be limited to the protection of site users' health and safety, including review of Fire Code, emergency access, and storage of materials.
- G. **Required Information:** Each submittal for site plan review shall contain all information required in this Ordinance including the following:
 - 1) The applicant's name, address and phone number in full.
 - 2) Proof of property ownership, and whether there are any options on the property, or liens against it.
 - 3) A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
 - 4) The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).
 - 5) The address and/or parcel number of the property.
 - 6) Name and address of the developer (if different from the applicant).
 - 7) Name, address, and seal of engineer, architect, and/or land surveyor.

- 8) Project title.
 - 9) Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the Ordinance.
 - 10) A vicinity map with the north point indicated.
 - 11) The gross and net acreage of all parcels in the project.
 - 12) Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
 - 13) Project completion schedule/development phases.
 - 14) Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools and existing utilities) and on the natural environment of the site and adjoining lands. A formal impact statement may be required by the Planning Commission.
 - 15) A listing of types and quantities of hazardous substances and polluting materials which will be used, stored or generated on-site at the facility, and completion of the "Hazardous Substance Reporting Form for Site Plan Review."
- H. **Required Site Plan:** The site plan shall consist of an accurate, reproducible drawing at a scale of not less than 1" = 20' or more than 1"=200', showing the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:
- 1) Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
 - 2) Existing topographic elevations at two foot intervals, proposed grades and direction of drainage flows.
 - 3) The location and type of existing soils on the site at least to the detail provided by U. S. Soil Conservation Service and any certification of borings.
 - 4) Location and type of significant existing vegetation.
 - 5) Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains and wetlands.
 - 6) Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures.
 - 7) Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
 - 8) Location of existing public roads, rights-of-way and private easements of record and abutting streets.
 - 9) Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
 - 10) Location, design and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
 - 11) Location, size and characteristics of all loading and unloading areas.

- 12) Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
- 13) Location, design and specifications of existing and proposed service facilities and structures, above and below ground, including:
 - a. Public and private groundwater supply wells on-site and related distribution systems including fire hydrants and shut off valves.
 - b. Septic systems and other waste water treatment systems
 - c. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas as well as any containment structures or clear zones required by government regulation or designed to meet the standards of this Article.
 - d. Underground storage tank locations together with connected distribution and collection systems.
 - e. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport wastewater or stormwater to the naturally occurring aquifer. The point of discharge for all drains and pipes shall be specified on the site plan.
- 14) Location of all other utilities on the site including, but not limited to natural gas, electric, cable TV, telephone and steam.
- 15) Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- 16) Location, size and specifications of all signs, both temporary and permanent, and advertising features, with cross-sections, if applicable.
- 17) Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
- 18) Location and specifications for all fences, walls, and other screening features with cross sections.
- 19) Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated,
- 20) Location, size and specifications for screening and fencing of all trash receptacles and other solid waste or liquid waste disposal facilities.
- 21) Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.
- 22) Identification of any site amenities or unique natural features.
- 23) A scale model of the proposed development may be required for all projects greater than 40 acres, with more than 200 dwelling units, more than 40,000 square feet of building space or a proposed height of a principal structure of greater than 35 feet.
- 24) North arrow, scale and date of original submittal and last revision.
- 25) Seal of the registered engineer, architect, landscape architect, or surveyor who prepared the plan.

12.04 STANDARDS FOR DECISIONS:

Each site plan shall conform to all provisions of the Zoning Ordinance and the standards listed below (unless variances have been granted):

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot or unit, the character of adjoining properties and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of the surrounding property for uses permitted in this Ordinance.
- B. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas and will not adversely affect adjacent properties.
- C. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
- F. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- G. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height unless modified by the Planning Commission. Areas for trash storage and pickup, including the vertical screen, shall be located on a concrete slab unless modified by the Planning Commission.
- H. Site plans shall conform to the standards required in this Ordinance.
- I. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Master Plan.
- J. All streets including streets in condominium developments shall be developed in accordance with the Land Division Subdivision Control Ordinance, County Road Commission Standards, and the Township Private Road Ordinance as applicable.
- K. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.
- L. All land use developments shall be consistent with and promote the intent and purpose of this ordinance and shall not be contrary to the public health, safety and welfare.
- M. All land uses and developments shall conform with the applicable goals, policies and objectives in the Township Master Plan.
- N. Standards for Groundwater Protection:
 - 1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.

- 2) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or watercourse and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - 3) General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
 - 4) Sites at which hazardous substances or polluting materials are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands. In addition, an up-to-date contingency plan for the handling and clean-up of uncontained spills of hazardous substances and polluting materials shall be placed on file in the offices of the Zoning Administrator and the Fire Chief. The requirement to report all uncontained spills immediately to both the Zoning Administrator and the Fire Chief shall be required as a condition of Site Plan approval.
 - 5) Local, State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
 - 6) In determining conformance with the standards in this Zoning Ordinance, the municipality shall take into consideration the publication titled "Small Business Guide to Secondary Containment" and other references.
- O. Standards for Aboveground Storage and Use Areas for Hazardous Substances and Polluting Materials:
- 1) Secondary containment, for above ground areas where hazardous and polluting materials are stored or used, shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 - 2) Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism.
 - 3) Secondary containment structures such as out buildings, storage rooms, sheds and pole barns, shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
 - 4) Areas and facilities for loading and unloading of hazardous substances and polluting materials, as well as areas where such materials are handled and used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater and soils.
- P. Standards for Underground Storage Tanks when Permitted:
- 1) Existing and new underground storage tanks shall be registered with the authorized state agency in accordance with the requirements of the U. S. Environmental Protection Agency and the State Police Fire Marshal Division.
 - 2) Installation, operation, maintenance, closure and removal of underground storage tanks shall be in accordance with the requirements of the Michigan Department of Environment, Great Lakes, and Energy. Leak detection, corrosion protection, spill prevention and overfill protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by government officials.
 - 3) Out-of-service abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the Michigan Department of Environment, Great Lakes, and Energy.

12.06 MODIFICATIONS TO APPROVED SITE PLANS

If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify for administrative approval as defined in Section 12.10, Zoning Administrative Approval, he or she shall forward the proposed amendment to the Planning Commission for consideration.

12.07 SITE PLAN APPROVAL VALIDITY

- A. If substantial construction, as defined in this Ordinance, related to a site plan approval or plot plan approval does not commence within one year from the date of the approval, such approval shall expire.
- B. Thirty days prior to expiration of an approved site plan or plot plan, an applicant may make application in writing for a one-year extension of the approval at no fee. The applicant shall present his/her case in person or by representative at the next meeting of the Planning Commission. Planning Commission shall authorize this one-year extension after finding that the following conditions apply:
 - 1) The conditions necessitating the delay in the substantial construction and completion of the project are reasonably beyond the control of the applicant.
 - 2) The requirements and standards, including those of the zoning ordinance that are reasonably related to the development, have not changed.
 - 3) Development or redevelopment in the proximity to the approved site plan has not resulted in changed conditions impacting the site.
 - 4) There has not been a change in state or federal law, local charter, or other local ordinance prohibiting the construction or further construction of the approved project.
- C. Once substantial construction commences, such construction shall be carried out in a diligent manner. If construction pauses or is abandoned for a period of three (3) or more years, the site plan approval shall expire and any further construction shall require a new application and site plan review in accordance with this Article.

12.10 ZONING ADMINISTRATIVE APPROVAL

- A. The Zoning Administrator shall review and approve, approve with conditions or deny the following site plans without their submission to the Planning Commission except where the applicant so requests:
 - 1) Accessory uses or buildings not to exceed one-thousand two-hundred (1,200) square feet, incidental to a conforming existing use where said use does not require any variance and where said site plan conforms with all requirements of this Ordinance.
 - 2) Expansion and/or addition to an existing conforming use where said site plan conforms with all requirements of this Ordinance and does not increase the size of the existing or proposed structure by more than 1000 square feet or does not increase the existing or proposed use by more than ten (10) percent, whichever is less.
 - 3) A change in the internal floor plan which does not increase the intensity of use or parking requirements.

- 4) Movement of a building, drive, road or parking by up to twenty (20) feet during construction due to unanticipated and documented constraint, to improve safety or to preserve natural features. The site plan shall still meet all required setbacks and other standards of this Ordinance.
 - 5) An existing building and site to be re-occupied by a use permitted in the subject zoning district where the new use will not require significant changes in the existing site facilities.
 - 6) Expansion and alterations of landscaping areas, sidewalks, bike paths and fences consistent with this Ordinance.
 - 7) Relocation of a trash receptacle and/or installation of screening.
 - 8) Relocation or replacement of a sign meeting the dimensional and locational standards.
 - 9) Modifications to upgrade a building to state barrier free design.
 - 10) Increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces in commercial and industrial Zoning Districts, and landscape improvements as required by this Ordinance.
 - 11) Alterations to the off-street parking layout or installation of pavement and curbing improvements provided that the total number of spaces remains constant and meets, or if necessary has been modified to meet, the ordinance requirements for the building and/or use.
 - 12) Changes to lighting consistent with this Ordinance.
 - 13) Situations similar to the above.
- B. The Zoning Administrator shall apply all applicable standards and procedures of this Ordinance in approving, conditionally approving or denying site plans and determine if the submittal shall comply with Section 12.03 (G), Required Information, or Section 12.12, Plot Plans in Lieu of a Site Plan below.
- C. The applicant shall submit the Township application and established fee.
- D. The Zoning Administrator shall make a report of all administrative approvals to the Planning Commission.

12.12 PLOT PLANS IN LIEU OF A SITE PLAN

- A. The Zoning Administrator may accept plot plan in specific instances upon determining a complete site plan is not considered essential to ensure compliance with the intent and standards of this Ordinance.
- B. A plot plan may be permitted for the following uses, when permitted in the zoning district:
- 1) Group Day Care Homes.
 - 2) Essential Services Buildings.
 - 3) Home Occupations.
 - 4) Single- and Two-family Dwellings.
 - 5) Accessory Open Air Businesses.
 - 6) Accessory Buildings and Structures.
 - 7) Outdoor Recreational Facilities.
 - 8) Temporary Uses and Seasonal Sales.
 - 9) Bed and Breakfast Establishments.

C. Plot plan submittals shall include the following:

- 1) Application form and fee.
- 2) Name, address and phone number of the applicant.
- 3) North arrow.
- 4) Legal description of the property.
- 5) A plan drawn to scale.
- 6) Property lines and dimensions.
- 7) Building setbacks.
- 8) Existing and proposed parking including the number of spaces provided and the number required according to Article 9, Off Street Paring and Loading. If changes are made to the parking area, a detail of the pavement, storm water runoff calculations and a description of detentions methods shall be provided.
- 9) Details of any existing, new, or changes to driveways.
- 10) Location and details of existing or proposed signage.
- 11) General illustration of existing or proposed landscaping.
- 12) Layout of existing or proposed utilities.
- 13) Layout of existing or proposed drainage.
- 14) Floor plan of the building under consideration and building elevations if applicable.
- 15) Any other items as requested by the Zoning Administrator.

12.13 LAND USE PERMIT REQUIRED

Upon issuance of final site plan or plot plan approval in accordance with this Article, a land use permit shall be applied for by the applicant and issued prior to any construction or occupancy related to the development, in accordance with Article 19.

ARTICLE 13 - SPECIAL USES

[Repeal and replace the relevant sections as follows.]

13.03 APPLICATION AND FEE

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Zoning Administrator by filing a completed special use permit application form, including all required data, exhibits and information, and depositing the required minimum fee. Such application shall be accompanied by the minimum fee as established from time to time by the Township Board. No part of such fee shall be refundable to the Applicant.

13.08 HEARING AND DECISION

The Planning Commission shall either approve, approve with conditions, or deny the application. The decision shall be in writing and clearly state the reasons for the decision. At a minimum the record of the decision shall include:

- A. A summary of public comments made at the hearing;
- B. Formal finding of facts;
- C. The conclusions derived from the facts (reasons for the decision);
- D. The decision; and
- E. A listing of any conditions upon which issuing a permit is issued.

13.12 DURATION OF SPECIAL LAND USE APPROVAL

A special use permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent special use permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the special use permit.
- D. If the use is discontinued, relocated, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.
- E. If the special land use's site plan approval has expired in accordance with Section 12.07.

13.13 AMENDMENT OF SPECIAL USE PERMITS

Minor amendments are those which are determined by the Zoning Administrator to have no foreseeable effect beyond property receiving a special use permit such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways. Minor amendments for good cause may be authorized by the Zoning Administrator provided that no such changes shall increase the size or height of structures, reduce the efficiency of public facilities serving the property, reduce usable open space, or encroach on natural features proposed by the plan to be protected.

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission.

Major amendments to special use permits shall be handled in the same manner as the initial special use permit application. Minor special use permit amendments shall be reviewed by the Zoning Administrator. Major special use permit amendments, requests falling outside the scope of the Zoning Administrator's authority, or any item the Zoning Administrator deems necessary shall be presented to the Planning Commission for their consideration.

13.14 TRANSFER OF SPECIAL USE PERMIT

A special use permit, with any and all associated benefits and conditions shall run with the land and shall be binding on the landowner, and his or her successors, heirs and assigns. The responsibility for effecting the transfer of required security shall be the original landowner (or their heir(s) if the original landowner is deceased), who shall request a return of their required security, if any, from the Township Zoning Administrator. It is the responsibility of the new landowner to request a continuation of the special land use approval, if desired.

13.15 CONSTRUCTION CODE PERMITS

A special use permit shall be required prior to the issuance of a building permit from the Grand Traverse County Building Department pursuant the then-applicable construction code pursuant to the State Construction Code Act.

13.17 ADDITIONAL CONDITIONS OF SPECIAL USES.

A. Bed and Breakfast Establishments.

1) Statement of Intent. It is the intent of this Section to establish reasonable standards for Bed and Breakfast Establishments to assure that:

- a. The property is suitable for transient lodging facilities.
- b. The use is compatible with other uses in the residential and agricultural districts.
- c. Residential and agricultural lands shall not be subject to increased trespass.
- d. The impact of the establishment is no greater than that of a private home with house guests.

2) Minimum Requirements. The following requirements for Bed and Breakfast Establishments together with any other applicable requirements of this Ordinance shall be complied with:

- a. The minimum lot size shall be one (1) acre.
- b. Off-street parking shall be provided (one space per room). Vehicle parking is prohibited between the front of the building and public right-of-way.
- c. One non-illuminated sign, identifying the establishment, not to exceed four (4) square feet in area and not closer to the street line than fifteen (15) feet shall be allowed.
- d. Such Bed and Breakfast Establishments shall not be located less than fifteen hundred (1500) feet apart.
- e. The residence shall be the principal dwelling unit on the property and shall be owner occupied at all times.
- f. The residence shall have at least two (2) exits to the outdoors.

- g. Not more than three (3) sleeping rooms in the residence may be used for rental purposes.
- h. Not more than eight (8) overnight guests may be accommodated at any time.
- i. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
- j. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- k. Proof of evaluation of the well and septic system by the Health Department and conformance to the agency's requirements shall be supplied by the owner/occupant.
- l. The Planning Commission shall require that a floor plan drawn to an architectural scale of not less than 1/8 inch = 1 foot be on file with the Fire Department.
- m. Each owner/operator of a Bed and Breakfast Establishment shall keep a guest registry which shall be available for inspection by the Zoning Administrator, police and fire officials during normal business hours.
- n. The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.
- o. In the event that the Planning Commission determines that noise generation may be disturbing to neighbors, or that the location of the establishment is in an area where trespass onto adjacent properties is likely to occur, then the Planning Commission may require that fencing and/or a planting buffer be constructed and maintained.
- p. Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- q. A special use permit shall not be granted if the essential character of a lot or structure within a residential or agricultural district, in terms of use, traffic generation or appearance will be changed substantially by the occurrence of the bed and breakfast use.

B. Sexually Oriented Businesses.

- 1) Intent: Sexually oriented businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such business as well as the citizens of the communities where they are located.

There is convincing documented evidence that sexually oriented businesses, because of their nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and downgrading of property values.

It is recognized that sexually oriented businesses, due to their nature, have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.

The Township of Whitewater desires to prevent these adverse affects and thereby protect the health, safety, and welfare of the citizenry, preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight.

It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a

content neutral Ordinance which addresses the adverse secondary effects of sexually oriented businesses.

It is not the intent of the Township of Whitewater to condone or legitimize the distribution of the obscene materials, and the Township of Whitewater recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities within the Township of Whitewater.

- 2) Purpose: It is the purpose of this ordinance to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Township. The provisions of this Ordinance do not have the purpose of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent of this Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent of this Ordinance to condone or legitimize the distribution of obscene materials.
- 3) SPECIAL LAND USE PERMIT REQUIREMENTS: In addition to the requirement for Site Plan Review Article 12.
 - a. It shall be unlawful for a person to operate a sexually oriented business without a valid Special Use Permit issued by the Planning Commission.
 - b. An application for a permit must be made on a form provided by the Township of Whitewater. The Township of Whitewater must provide the application. A sketch or diagram showing the configuration of the premises, including a statement of display area occupied by the business, must accompany the application. This sketch or diagram need not be professionally prepared if the building is already established in the township, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - c. Applications for a permit shall be made and delivered to the Zoning Administrator. The applicant shall be required to give the following information on the application form:
 - i. The name, street address, and mailing address, if different, and driver's license number of the applicant if he/she has such a driver's license.
 - ii. The name, street address, and mailing address, if different, of the owner(s), if different.
 - iii. The name under which the establishment is to be operated and a general description of the services to be provided.
 - iv. The telephone number of the establishment or, if unavailable, the applicant's.
 - v. The address and legal description of the tract of land on which the establishment is to be located.
 - d. All information necessary to answer the requirements in subsection 4 below.
 - e. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him/her from the requirement of obtaining a Special Land Use Permit to run a sexually oriented business from the Township of Whitewater.

- f. The application shall be accompanied by the following:
 - i. Payment of the application fee in full;
 - ii. Proof of current fee simple ownership of the tract of land on which the establishment is to be situated in the form of a copy of the recorded deed, land contract, or other instrument of conveyance;
 - iii. The lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the ownership or proposed by owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment, if the persons identified as the fee simple owners(s) of the subject tract of land are not also the owners of the establishment.
 - iv. A letter from the owner acknowledging the building is to be used for a Sexually Oriented Business, if the applicant is not in fact the owner of the building or tract of land.
 - v. Proof of application to Grand Traverse County Health Department, Construction Code, Drain Commission or Department of Environmental Quality or other agency for the required permits, if applicable.
- g. The application shall contain a notarized statement under oath that:
 - i. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and
 - ii. The applicant has read the provisions of Article 12 (Site Plan Review).

4) ISSUANCE OF PERMIT:

- a. The Planning Commission shall approve the issuance of a Special Land Use Permit so long as the applicant conforms to all the terms and conditions of this Zoning Ordinance specifically Article 12 (Site Plan Review). The Planning Commission shall issue a permit within Ninety (90) days after receipt of a complete application unless they find one or more of the following to be true:
 - i. An applicant is under eighteen (18) years of age.
 - ii. An applicant is overdue in his payment of taxes, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.
 - iii. An applicant has failed to provide information required by this Ordinance or has falsely answered a question or request for information on the application form.
 - iv. An applicant who has been denied a permit by the township to operate a sexually oriented business within the preceding twenty-four (24) months, or whose permit to operate a sexually oriented business has been revoked within the proceeding twenty-four (24) months.
 - v. The permit fee required by this Ordinance has not been paid.
 - vi. The proposed establishment is in violation of or is not in compliance with any of the provisions of the Whitewater Township Zoning Ordinance.
 - vii. An applicant has been convicted of any of the following criminal offenses in any jurisdiction:

1. prostitution, procuring a prostitute, or solicitation of a prostitute;
2. sale, distribution or display of obscene material;
3. soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
4. possession, sale or distribution of child pornography;
5. public lewdness;
6. indecent exposure;
7. indecent conduct with a child;
8. sexual assault or rape;
9. incest;
10. sexual solicitation of a child.

The applicant shall certify, as a part of the application, that he/she has not been convicted of any one or more of the foregoing criminal offenses.

- b. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
 - c. In the event that the Planning Commission determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within sixty (60) days of the receipt of a complete application to the Zoning Administrator. The applicant shall have 10 days from the date of the notice to correct the grounds for denial. If the corrections are not made and notice of the corrections are not received in writing to the Township within the 10 days then the denial shall be deemed to be in effect.
 - d. An applicant may appeal the decision of the Planning Commission regarding a denial to the Whitewater Township Zoning Board of Appeals by filing a written notice of appeal within twenty-one (21) days after the applicant is provided with notice of the Planning Commission's decision.
 - e. The Zoning Administrator may also take all steps necessary to revoke a permit if he/she determines that a permittee gave false or misleading information in the material submitted during the application process.
- 5) Inspection: An applicant or permittee shall allow the Township Zoning Administrator or his appointed representative to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.
 - 6) Fees: An annual fee for a sexually oriented business permit will be assessed. This fee is to be used to pay for the cost of the administration and enforcement of this ordinance. The Township Board will determine this annual fee.
 - 7) Action To Revoke Permit: The Whitewater Township Board shall take enforcement action, including the commencement of suit seeking revocation of a permit, if any of the following occurs:
 - a. A permittee gave false or materially misleading information in the application process.
 - b. A permittee has been convicted of using and/or allowing the use of controlled substances within the establishment.

- c. A permittee has been convicted of prostitution or other activity fostering, promoting or otherwise facilitation prostitution, within the establishment or elsewhere.
 - d. A permittee or employee of the sexually oriented business has been convicted of any crime of a sexual nature or involving sexual conduct or the solicitation thereof within the establishment or elsewhere.
 - e. A permittee has been convicted of knowingly allowing a person under eighteen (18) years of age to enter the establishment.
 - f. There has been a transfer of ownership or control of an establishment without the prior consent of the Planning Commission, as required herein.
- 8) Transfer Of Permit: A permittee shall not transfer his permit to another without prior approval of the Planning Commission, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application. An application must be completed by the proposed permittee prior to the transfer and reviewed by the Planning Commission for continued compliance with this Article.
- 9) Location Restrictions:
- a. A sexually oriented business may not be operated within 750 feet of:
 - i. a church, synagogue or regular place of religious worship;
 - ii. a public or private elementary or secondary school;
 - iii. a boundary of any residential zoned district or any residential structure within or without a zoned area;
 - iv. a boundary of a public park;
 - v. a boundary of a licensed day-care center; and/or
 - vi. another sexually oriented business.
 - b. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
 - c. For the purpose of this Ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or licensed day-care center or residential structure in a non-residential district.
 - d. For purposes of this Subsection, the distance between any two sexually oriented businesses shall be made from the closest roofline of the structure in which each business is located.
- 10) Regulations Pertaining to Adult Entertainment Establishments:
- a. A person who operates or causes to be operated an adult entertainment establishment which presents live entertainment for the enjoyment of an audience which has paid or promised to pay an admission fee and which depicts specified sexual activities or displays specified anatomical areas, shall comply with the following requirements.
 - i. Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof

specifying the location of one or more manager's stations and the location of all overhead lighting fixtures (indicating the type of illumination intensity of each such fixture) and designating any portion of the premises in excess of thirty (30) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises.

- ii. The application shall be sworn to be true and correct by the applicant.
- iii. No alteration in the configuration or location of a manager's station may be made without the prior approval the Township Zoning Administrator.
- iv. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- v. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- vi. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in this Subsection remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times, and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Subsection.
- vii. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.) foot-candle as measured at the floor level.
- viii. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- ix. The premises shall meet all barrier free requirements and building code requirements imposed by the County Building and Inspections Department.

11) Exterior Portions of Sexually Oriented Businesses:

- a. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point that is outside the establishment.

- b. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have any words, lettering, photographs, silhouettes, drawing, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this Ordinance.
- c. Proposed signage shall not include animated or flashing illumination of any type and otherwise conforms to the requirements of Township Zoning Ordinance Article 14 (Signs). Proposed signage may contain only the name of the sexually oriented business and shall not include photographs, silhouettes, drawings, or pictorial representations of any type.
- d. All off-street parking areas shall be illuminated during all hours of operation in accordance with Article 11 (Exterior Lighting Regulations) of the Whitewater Township Zoning Ordinance and shall otherwise be open to view from the adjacent roadway.
- e. A sexually oriented business may not have outside speakers on the exterior of any buildings or anywhere on the outside of their property.

12) Persons Younger Than Eighteen Prohibited from Entry- Attendant Required:

- a. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
- b. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business's regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
 - i. a valid operator's commercial operator's or chauffeur's license; or
 - ii. a valid personal identification certificate reflecting that such person is eighteen (18) years of age or older.
- c. Entrances to the proposed Sexually Oriented Business will be posted on both the exterior and interior walls, clearly visible to the public, indicating in lettering no less than one and one-half inches in height that (a) "No one under the age of eighteen is permitted to enter the premises" and (b) "No alcoholic beverages of any type are permitted within the premises" unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.

13) General And Specific Requirements:

- a. General requirements: In reviewing an application for special use permit for a sexually oriented business, the Planning Commission shall determine whether the following general standards have been met:
 - i. that the applicant has met all the requirements for Article 12 (Site Plan Review) which pertain to one's application.
 - ii. that all required information has been provided.
 - iii. That the proposed use conforms to all specific density and setback regulations, etc. of the zoning district and this Article.

- iv. That the plan for the proposed use meets all applicable written and duly promulgated requirements of Whitewater Township for fire and enforcement protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
- v. That the submitted Landscape Plan complies with this Ordinance.
- vi. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
- vii. That the outdoor storage of garbage and refuse is contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.

b. Specific requirements: To operate a sexually oriented business within the boundary of Whitewater Township the following specific requirements must be met and agreed upon by the owner (s), applicant and operators of the sexually oriented business:

- i. Hours of operation shall be limited to 10:00 a.m. to 2:00 a.m.
- ii. The proposed business will not have a detrimental impact upon the property values of properties located within 750 feet of such a proposed sexually oriented business.
- iii. The proposed sexually oriented business applicant shall have provided an exterior maintenance program to the Township Zoning Administrator, together with its special use permit. The Applicant shall provide for the routine clearing of trash and rubbish from all parking areas and other portions of the premises not less than once-per-week. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any special use permit pursuant to this section.
- iv. Persons may not reside in a sexually oriented business establishment. It may be allowed by permit only and based on the issuance of a permit on inspection of living arrangements.
- v. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effect reasonably documented to emanate from sexually oriented businesses for the protection of the general welfare and individual property rights of affected property owners, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall serve as grounds for revocation of the permit, after written notice and an opportunity to be heard.

14) Exemption: It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:

- a. by a proprietary school, licensed by the State of Michigan, a college, junior college, or university supported entirely or partly by taxation;
- b. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

15) NOTICES:

- a. Any notice required or permitted to be given by the Township or other agency under this Ordinance to any applicant, operator or owner of an establishment may be given either by prepaid, return receipt requested, addressed to the most recent
- b. address as specified in the application for the permit, or transfer Application that has been received by the Township, or any notice of address change that has been received by the Township. Notices mailed as above shall be deemed given upon their deposit in the United States Mail. In the event that any notice given by mail is returned by the postal service, the Township shall cause it to be posted at the principal entrance to the establishment.
- c. Any notice required or permitted to be given to the Township by any person under this Ordinance shall not be deemed given until and unless it is received in the principal office of the Township.
- d. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Township in writing of any change of a residence or mailing address.

16) INJUNCTION: A person who operates or causes to be operated a sexually oriented business without a valid permit or otherwise violates this Ordinance shall be subject to a suit for injunctive relief and/or revocation of the sexually oriented business permit, as well as fines or other penalties as provided by the Whitewater Township Zoning Ordinance.

C. Special Use provisions for Major Home Occupations: Minimum Requirements:

- 1) At no time shall the number of vehicles on site impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two drive axles are prohibited.
- 2) The occupation may offer for sale any article or service provided that the sale of any articles or services shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
- 3) Hours of operation shall be stipulated by the Planning Commission.
- 4) Signage size and number(s) shall be determined by the Planning Commission.
- 5) Home Occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site/plot plans and final conditions shall be authorized by the property owner.
- 6) Such other conditions as may be determined by the Planning Commission.

In the event the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission, the applicant will be required to submit a revised application for special use approval to the Planning Commission.

D. Commercial Campgrounds.

- 1) Commercial campgrounds shall only be allowed on parcels of 40 acres or greater.
- 2) All requirements of Public Act 368 of 1978 regulating Campgrounds shall be met.
- 3) Permanent cabins.
- 4) Each dwelling or pad shall be provided water and sanitary service approved by the Grand Traverse County Health Department or have convenient access to approved service building(s).

- 5) The campground shall have access to an all season road, either public or private.
- 6) All campgrounds shall be designed to blend in with the surrounding environment to the greatest possible extent. Buffers or screening may be required.
- 7) Internal road systems shall be a minimum of 20' travel width.
- 8) Permanent residency is prohibited on the property with the exception of one residential home/office to be used and occupied by the campground owner or manager and his/her immediate family.
- 9) Campsites or structures may be rented by the day, week or an indefinite period of time.
- 10) No structures or campsites shall be located within 100 feet of a property line.
- 11) Accessory/service buildings such as storage facilities, restrooms, kitchens, pavilions, etc. shall be allowed.
- 12) Recreational elements shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
- 13) As part of the submittal, the applicant shall present a detailed management plan for the campground. The plan shall include continued compliance with the terms of the management plan and the following information:
 - a. The total number of campsites, cabins and accessory buildings proposed.
 - b. The maximum permitted duration of residency.
 - c. Policies and enforcement procedures to deal with noise, rowdy behavior and similar nuisance activities.
 - d. The hours and seasons the campground will operate.
 - e. Disclosure of all recreational elements.
- 14) Campground cabins shall not exceed 650 square feet of floor area, including covered porches.

Article 19 – ADMINISTRATION

[Repeal and replace the relevant sections as follows.]

19.05 LAND USE PERMIT: WHERE REQUIRED

A land use permit serves as the final documentation that the proposed development and/or land use complies with this Zoning Ordinance.

19.06 LAND USE PERMIT REVIEW

- A. If the scope of the development requires site plan review or plot plan review, the Zoning Administrator shall require submission of an application for site plan review or plot plan review in accord with the provisions of Article 12 as required, prior to the land use permit review.
- B. The Zoning Administrator shall verify that all applications for land use permits shall be accompanied by a clearly drawn plot plan which contains the following:
 - 1) Owner Information

- 2) Parcel ID Number
 - 3) Property Address
 - 4) North Arrow
 - 5) Scale
 - 6) Existing and/or Proposed Structures (including fencing) and their setbacks
 - 7) Existing and/or Proposed Driveways and their setbacks
 - 8) Road Right of Way and/or Utility Easements
 - 9) Sanitary Facilities and Well
 - 10) Water Bodies on the Site
 - 11) Wetlands
- C. The Zoning Administrator shall request that the applicant submit with the application such additional materials as may be needed to determine whether or not a permit should be issued, such as surveys, soil suitability tests, surface water disposal surveys, erosion control surveys and excavation disposal plans, abstracts, building plans, and permits from other government agencies.
- D. Evidence of Ownership. The Zoning Administrator shall review evidence of ownership for all property affected by the permit application.
- E. Voiding of Permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the Township.
- F. Expiration. An approved land use permit, not already governed by the timeframe requirements of site plan review or plot plan review in 12.07, shall expire in the following instances:
- 1) If substantial construction, as defined in this Ordinance, related to the land use permit has not been initiated within one year of land use permit issuance; or
 - 2) If occupancy related to the land use permit does not commence within two years of land use permit issuance.

19.07 LAND USE PERMITS INSPECTIONS

- A. The construction or usage covered by any land use permit shall be subject to the inspection by the Zoning Administrator to ensure compliance with the provisions of this Ordinance and the approved plot or site plan.
- B. The Zoning Administrator shall clearly communicate the inspections schedule to the applicant. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction or usage is ready for inspection.
- C. Inspections shall be made by the Zoning Administrator at the following intervals:
 - 1) At the time of staking out lot corners and proposed structures.
 - 2) When the building foundation forms are in place and/or poles are set, if required and noted on the permit.
 - 3) Upon completion of the work authorized by the permit.

19.08 LAND USE PERMITS; DENIAL.

The Zoning Administrator shall promptly inform the applicant, in writing, of the denial of a Land Use Permit if such planned building or structure or land use does not comply with the provisions of this Ordinance. Applicants that have been denied a land use permit may appeal Zoning Ordinance decisions in accordance with Section 20.06, duties and powers of the Zoning Board of Appeals.

19.09 LAND USE PERMITS; FEES.

The fees for land use permits shall be established by the Township Board.

memorandum

DATE: April 14, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1: COPUD Section Memo and Text Amendment

Introduction

Several needed updates to the Corridor Overlay Planned Unit Development (COPUD) section of the zoning ordinance have been identified through the zoning audit and conversations with staff. These include procedural improvements, development requirements, and alignment with the Michigan Zoning Enabling Act (MZEA). For example, parts of this section have been identified to be contradictory with the site plan and special land use review processes, as well as the Special Use Permits. Additionally, a review of the development standards such as density, uses, landscaping, building facades, and others have been called for.

M-72 is important both locally and regionally as a major access route to Traverse City and across (east-west) the Township. The COPUD currently applies to area 500 feet north and south of the centerline of M-72, from Cook Road westward to the west township line.

Amendment History

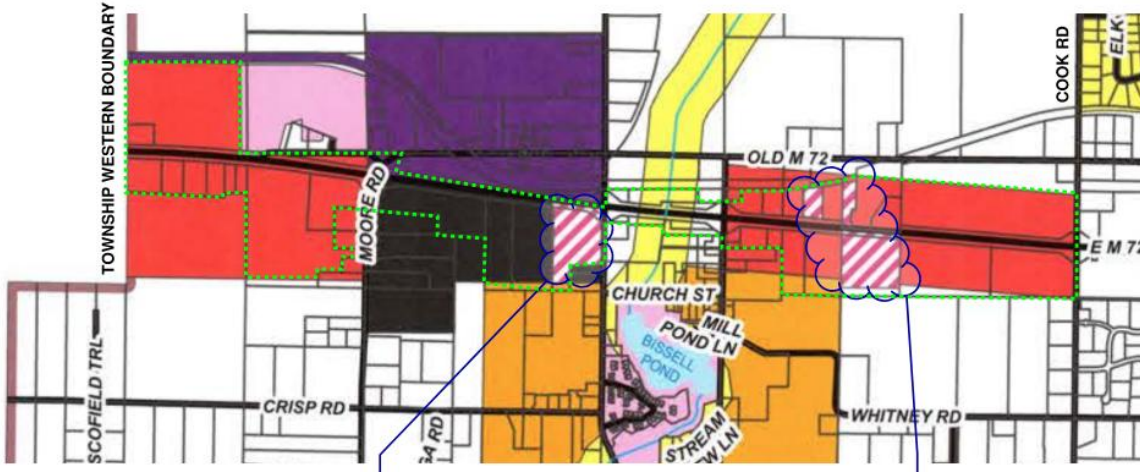
- **October 1, 2025** – The Planning Commission reviewed the existing language. It was noted that the Commission did not have any experience with the COPUD. Purposes of the COPUD that are provided in the language were rated, with the main purposes being to:
 - Provide applicants the greater flexibility of a PUD regulated via performance-based standards and cooperation in design (score: 4.0/5.0)
 - Preserve/enhance the visual character of the corridor for the economic benefit to local landowners and the region (score: 3.6/5.0)
 - Encourage the preservation of scenic vistas and viewsheds; Protection and enhancement of property values and encourage commercial/industrial development (score: 3.6/5.0)
- **November 24, 2025** – The Planning Commission reviewed the drafted text. It was noted that the Commission did not have any experience with the current COPUD language. Because of this, and because lack of a distinct vision created by the Master Plan or other planning efforts, we decided to scale back and focus on simpler, tangible improvements. We made the following changes:
 - Continue permitting the underlying district's permissible land uses.

- Delineate the geography of this overlay as the lots fronting M-72 from the western Township border to Cook Road, but excepting the V-1 zoned lots which will be under V-1 jurisdiction only.
 - Utilize simple screening of waste receptacles, mechanical equipment, and parking lots.
 - Ensure long facades are visually interesting with architectural features.
 - Provide for access management standards, including pedestrian access and shared access drive allowances.
 - Provide for landscape standards that are measurable/quantifiable, rather than encouraged or subjective. Foundation planting and frontage greenbelt standards are provided.
 - Require any signage to be in the form of freestanding ground signs and/or wall signs.
- **February 4, 2026** – The Planning Commission suggested removing the frontage sidewalk requirement for now.
 - **March 4, 2026** – The Planning Commission reminded us to delete mentions of the public frontage sidewalk as one reference to that remained. We have deleted that. We also unified the frontage greenbelt requirements so that they are now more similar to the general landscaping requirements, with the small extra requirement that shrubs/flowers/native grasses/sedges also need to be mixed in.
 - **April 1, 2026** – The Planning Commission set the public hearing for this text amendment for this May meeting.

Next Steps

After consideration of the fact that this amendment will inevitably require changes to the zoning map (rezonings), we recommend the Planning Commission not send this text amendment to the Township Board yet. Our recommendation is that the Township conduct outreach to the property owners of the four current COPUD properties regarding the proposed rezoning of these properties. Please see the map on the following pages showing how this rezoning may conceptually look.

Supplemental Documentation Proposed Zoning Map Amendment (Rezoning)



Existing COPUD-zoned property at M-72 and Williamsburg Rd to be rezoned to N-1.

Existing COPUD-zoned properties on M-72 to be rezoned to C-1.

Legend: Existing Zoning Districts

- R-1 Residential
- R-2 Residential
- R-3 Residential
- RC-1 Recreational
- A-1 Agricultural
- C-1 Commercial
- N-1 Industrial
- V-1 Village
- CO-PUD Corridor Overlay PUD
- PUD Planned Unit Development
- MHP Manufactured Home Park
- Parcels (2024)

Legend: Proposed Amendment

- Proposed new M-72 Corridor Overlay

Please note that this boundary is approximate for the purposes of this map visual. The proposed zoning text amendment states the following: "The M-72 Corridor Overlay zoning district shall apply to all lots fronting M-72 from the Township's western boundary to Cook Road, excepting lots zoned V-1 which shall remain V-1 without this overlay applied."

Proposed Text Amendment

Due to the extent of amendments to this Article, we are proposing new language altogether. This will mean the existing Article 6 will be repealed in its entirety and replaced with this Article.

ARTICLE 2 – DEFINITIONS

[Delete “Corridor Overlay Planned Unit Development” definition]

2.01 DEFINITIONS

~~CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT (COPUD): A corridor overlay zone which employs the methods and techniques of a planned unit development~~

ARTICLE 3 – ZONING MAP AND DISTRICTS

[Delete reference to “COPUD Corridor Overlay PUD” and amend the zoning map to replace the four COPUD zoned properties to N-1 and C-1 as applicable.]

3.01 ZONING DISTRICTS ESTABLISHED

For the purpose of this Ordinance, Whitewater Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

R-1 Residential

R-2 Residential

R-3 Residential

RC-1 Recreational

A-1 Agricultural

C-1 Commercial

N-1 Industrial

V-1 Village

~~COPUD Corridor Overlay PUD~~

PUD Planned Unit Development

MHP Manufactured Home Park

ARTICLE 6 – M-72 CORRIDOR OVERLAY DISTRICT

[Repeal and replace entire Article 6 with new Article 6.]

6.01 PURPOSE AND INTENT

A Corridor Overlay (CO) zoning district is hereby established consistent with the goals and objectives of the Whitewater Township Master Plan and pursuant to the Michigan Zoning Enabling Act.

- A. The intent of the M-72 Corridor Overlay District is to enhance the economic climate of the M-72 corridor while preserving the visual character of the corridor, including scenic vistas and viewsheds. Further, it is intended that the district provide for various types of land uses planned in a manner which shall encourage the use of land in accordance with its character and adaptability; conserve natural resources and energy, encourage innovation in land use planning, provide enhanced housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the township; and bring about a greater compatibility of design and use.

- B. The purpose of the M-72 Corridor Overlay District shall be to encourage development and redevelopment of property in accordance with the township master plan and in a manner that will promote the image of the M-72 corridor as a high-quality corridor and an attractive investment environment; allow mixed-use development; promote development that is compatible with the character of the township; encourage the redevelopment and reuse of certain properties which are no longer capable of serving their intended purpose; ensure safe and complementary vehicular and pedestrian circulation patterns; and, control vehicular access to M-72.
- C. The provisions of this overlay district are specifically intended to establish the M-72 Corridor as an area which:
 - 1) Promotes the goals of the master plan
 - 2) Encourages economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities, thereby encouraging a compatible mixture of uses in close proximity to each other
 - 3) Enhances the visual appearance of the corridor by preserving scenic vistas and viewsheds and coordinating building design, site arrangement and landscaping, signage, lighting and other elements
 - 4) Encourages redevelopment of property by removing or making material modifications to the existing structures, discontinuing the existing nonconforming use on the property, and establishing a new use consistent with the intent and provisions of this section
 - 5) Manages access to existing properties and future development while simultaneously preserving and improving the flow of traffic on the surrounding road system in terms of safety, capacity needs, and speed

6.02 DELINEATION OF THE M-72 CORRIDOR OVERLAY DISTRICT

The M-72 Corridor Overlay zoning district shall apply to all lots fronting M-72 from the Township’s western boundary to Cook Road, excepting lots zoned V-1 which shall remain V-1 without this overlay applied. Please reference the zoning map for the M-72 Corridor Overlay’s geography.

6.03 APPLICABILITY OF THE M-72 CORRIDOR OVERLAY DISTRICT

Within this Corridor Overlay, all development projects, including both new uses and structures as well as newly installed or renovated structures and/or site features, must employ the applicable provisions of this article described in sections 6.05 through 6.11 below.

6.04 PROCEDURE FOR REVIEW AND APPROVAL:

- A. Site plan review. For those uses that are permitted principal uses in the underlying zoning districts, the site plan review procedures found in Article 12 must be met and all required materials for site plan review submitted.
- B. Special land use review. For those uses that are noted as special land uses in the underlying zoning districts, the special land use procedures found in Article 13 must be met and all required materials for special land use review submitted.

6.05 GENERAL REQUIREMENTS

- A. The land uses permitted in the Corridor Overlay shall comply with the uses permitted in the underling zoning district.

- B. All development projects shall follow the regulations in this Zoning Ordinance applicable to lot size, lot width, lot coverage, setback, parking and loading, and general provisions. However, if any overlay requirements of this Article conflict with other regulations of this Zoning Ordinance, the requirements of this Article shall apply.

6.06 SCREENING

- A. Waste management. Solid waste collection areas, including recycling and composting if applicable, shall be placed in a side or rear yard and shall be screened with a masonry enclosure with a solid wood gate. The masonry enclosure shall be a minimum of six feet in height, or a height required to fully screen the receptacles. Any receptacles accessed by a trash hauler shall be placed on a concrete pad.
- B. Screening of mechanical equipment. Mechanical equipment or other utility hardware on the roof, ground, or elevations of a structure shall, whenever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from public view with materials harmonious with the building.
- C. Parking lots shall be screened from public right-of-way view by one of the following methods:
 - 1) Three (3) to four (4) foot high screen wall constructed of masonry or stone.
 - 2) A continuous evergreen hedge of three (3) to four (4) foot high.
 - 3) A continuous three-and-one-half (3 ½) to four (4) feet high berm. Such berm shall contain varying landscape plantings, including one tree, or an intentional landscape bed containing a cluster of hardy perennial shrubs, for every fifty (50) feet of linear parking lot frontage.

6.07 ARCHITECTURAL DESIGN REVIEW AND STANDARDS

- A. Natural wood siding, log or quarter log siding, brick, stone, or other materials of similar texture and appearance are considered appropriate to the township character. Reflective surfaces are not acceptable. Metal or plastic surface materials which are visually similar in color and texture to natural materials may be considered.
- B. Colors of paints, stains, and other finishes or materials shall be nature-blending in colors natural to the predominant hues of spring, summer and fall, with generally no more than three colors per building. Semi-transparent stains are recommended for application on natural wood finishes.
- C. Facades of over one hundred (100) feet in length shall be broken up with varying building lines, windows, and architectural accents.

6.08 ACCESS MANAGEMENT

- A. Site access and circulation shall be designed to promote vehicular and pedestrian safety. Site layout shall minimize curb cuts and reduce the potential for congestion and conflict between travel modes.
- B. A maximum of one vehicular approach and driveway is permitted per lot. However, lots containing greater than 500 feet of frontage may contain two vehicular approaches so long as no approach is within 100 feet of another approach on the same lot or adjoining lots.
- C. Shared access encouraged. A vehicular approach and driveway is not required if shared access is provided to- and from an abutting site and complying with the following requirements:
 - 1) The shared access drive meets the requirements for maneuvering lane width in Article 10. The shared access drive may be in the form of a parking lot maneuvering lane/aisle, but shall comply with the provisions of this Section 6.08.

- 2) Legal agreement to utilize the shared access drive is granted between properties, and the Township is provided a copy of such agreement or easement as part of the development of the shared access drive.
- 3) Emergency access is approved by the Fire Department.

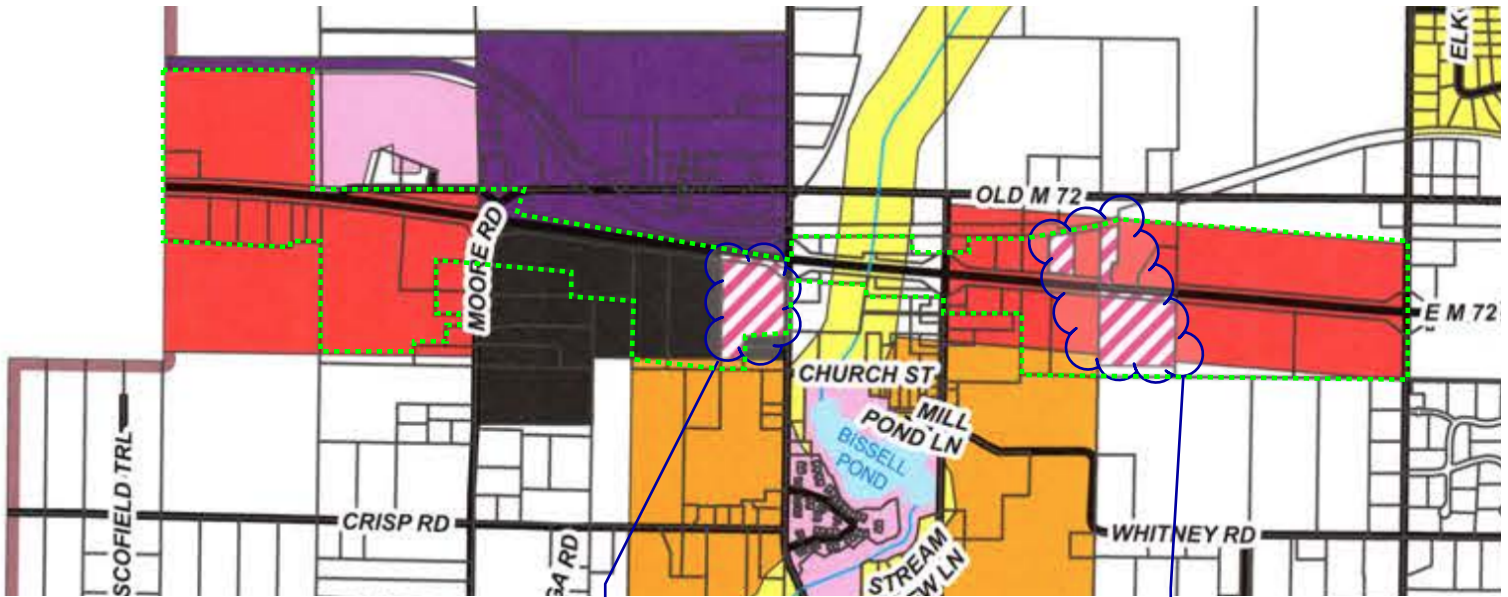
6.09 LANDSCAPING STANDARDS

- A. Landscaping objectives: The information required for Site Plan Review shall include a detailed and comprehensive Landscape Plan for the entire project which achieves the following objectives:
 - 1) Addresses the functional aspects of landscaping, such as drainage, erosion prevention, wind barriers, provision of shade, sound absorption, dust abatement, and reduction of glare.
 - 2) Enhances architectural features, strengthens vistas and important axis and sight lines.
 - 3) Achieves unity of design by repeating certain plant varieties and other materials and by correlation with adjacent developments.
 - 4) Enhances parking areas and related vehicular and pedestrian trafficways with landscaped areas, including trees and tree groupings.
 - 5) Protects plants from injury by pedestrians or motor traffic with appropriate curbs, tree guards, or other devices.
 - 6) Controls run-off of fertilizers and pesticides.
 - 7) Minimizes watering and maintenance requirements.
 - 8) Avoids monotony by offering visual variety to structural masses and helps the man-made structures achieve harmonious appearance with the retained natural trees, vegetation and features and with the setting as a whole.
- B. Standards
 - 1) Foundation landscaping shall be planted along the front façade of buildings. Such foundation landscaping shall take up no less than 50% of the linear frontage of the façade, and shall have a minimum planting bed width of four feet as measured from the front façade outward. The foundation landscaping contain a variety of perennial shrubs, perennial flowers and/or annual flowers, and flowering or ornamental trees when feasible.
 - 2) A frontage greenbelt shall be provided in the front yard abutting the front lot line (street right-of-way line) and shall comply with the following standards:
 - a. The frontage greenbelt shall measure at least ten (10) feet in width, measured from the front lot line (street right-of-way line). If utility easements prevent the greenbelt placement at the front lot line, then such greenbelt shall be set back outside of such utility easement(s). If demonstrated that a greenbelt cannot be installed at either of the preceding areas, the Planning Commission may waive this requirement with the finding that sufficient front yard landscaping is provided where feasible in a front yard area, or in the form of larger parking lot islands if a parking lot occupies the front yard
 - b. One deciduous canopy tree shall be planted for every forty (40) linear feet or fraction of frontage abutting a public thoroughfare. Remaining greenbelt areas shall be planted with lawn, and a variety of native grasses/sedges or flower/shrub beds shall be included where feasible.

6.10 SIGNAGE

- A. Signage in the Corridor Overlay shall be limited to the following sign types.
 - 1) Freestanding ground-type signs where the entire bottom of the sign is in contact with a base structure or the ground. Such freestanding sign area shall not exceed 100 square feet and 10 feet in total height. If separate from the sign face, the base shall be excluded from the sign area calculation, so long as it does not extend more than two feet wider than the sign face and the overall sign structure remains less than 10 feet in total height.
 - 2) Wall signs. Such wall sign shall be located on the front façade of the building, and its area shall not exceed 20% of total façade area or 100 square feet, whichever is less.
- B. A maximum of one freestanding sign and one wall sign is permitted per lot. A multi-tenant or multi-suite building may contain separate sign faces, so long as the total area and height comply with the maximums provided in A.1 and A.2 above.

Supplemental Documentation - Zoning Map Amendment



Existing COPUD-zoned property at M-72 and Williamsburg Rd to be rezoned to N-1.

Existing COPUD-zoned properties on M-72 to be rezoned to C-1.

Legend: Existing Zoning Districts

- R-1 Residential
- R-2 Residential
- R-3 Residential
- RC-1 Recreational
- A-1 Agricultural
- C-1 Commercial
- N-1 Industrial
- V-1 Village
- CO-PUD Corridor Overlay PUD
- PUD Planned Unit Development
- MHP Manufactured Home Park
- Parcels (2024)

Legend: Proposed Amendment

- Proposed new M-72 Corridor Overlay

Please note that this boundary is approximate for the purposes of this map visual. The proposed zoning text amendment states the following: "The M-72 Corridor Overlay zoning district shall apply to all lots fronting M-72 from the Township's western boundary to Cook Road, excepting lots zoned V-1 which shall remain V-1 without this overlay applied."

WHITEWATER TOWNSHIP PLANNING COMMISSION
Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690
231-267-5141 Phone

REGULAR MEETING
DRAFT MINUTES
Wednesday, April 1, 2026, 7:00 p.m.

CALL TO ORDER:

Chair Stratton called the meeting to order at 7:00 p.m.
The Pledge of Allegiance was recited.
A microphone check was done.

Public Attendance On-site: 3 (approximately)
Zoom Attendance: 5 (approximately)

ROLL CALL: Secretary Peltonen called Roll.

Present:

Rene Stratton, Chair
Sadie Merchant, Vice Chair
Denise Peltonen, Secretary
Scott Trumbull, Member
Michael Sherman, Member
Rod Rebant, Member
Randy Mielnik, Township Board Trustee

A quorum was established.

Absent: None.

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA: None.

Board Action: Ms. Merchant made a motion to approve the Agenda as presented. Ms. Peltonen seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

DECLARATION OF CONFLICT OF INTEREST:

Ms. Merchant referenced the prior meeting where she was asked to recuse herself from the Wineries and Cideries Ordinance subject. She spearheaded the proposed Ordinance at the suggestion of the former PC Chair. She owns a farm and farm market; however, has no current or future plans to open a winery/ciderery. She noted that any topic has the potential to have relevance to any PC Member's life. This should not prevent a Member from contributing to the work; if she were to move forward with a winery in the future, she would recuse herself at that time.

There was extensive discussion among the Planning Commission with support of Ms. Merchant's comment, agriculture background and contributions thus far. Ms. Peltonen emphasized the need to maintain impartiality and asked Ms. Merchant to consider refraining from filing an application for one year. Ms. Merchant restated she has no plans for a winery; however, declined this suggestion as it would be unfair.

Mr. Mielnik read aloud the language of the By-Laws with regard to Conflict of Interest, which was also discussed.

A suggestion was made to consider a formal attorney opinion on the matter.

Board Action: Mr. Trumbull made a motion that Commissioner Merchant does not need to recuse herself from the subject of the proposed Winery Ordinance. Mr. Sherman seconded the motion.

ROLL CALL VOTE: Rebant-Y, Sherman-Y, Trumbull-Y, Peltonen-Y, Stratton-Y, Mielnik-Y, Merchant-Y. Motion carried.

PUBLIC COMMENT:

Mr. Carl Wroubel: He was not allowed to comment publicly via Zoom at the last meeting and contacted an attorney to determine if it was in conflict with ADA compliance. He read aloud the attorney response. The Chair advised him to put in a written request to the Board for an ADA accommodations request.

Mr. Wroubel referenced the By-Laws and educational requirement stating the PC should consider the MSU Lakes and Streams course and ZBA course certification.

He disagrees with the PC's three-minute limit for Public Comment, which is an inadequate amount of time. The Township Board has a five-minute rule, and the PC should offer five minutes. Zoom attendees should also be allowed to comment.

APPROVAL OF MINUTES:

Regular Meeting Minutes of 3/4/26: Amendments: A minor change was noted.

Board Action: Mr. Trumbull made a motion to approve the Regular Meeting Minutes of 3/4/26 as amended. Mr. Mielnik seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

CORRESPONDENCE:

Ms. Tracy Spincich – Winery Ordinance Support
Mr. Frank Hymore – Land Division Act (10 for 10 Rule)

REPORTS / PRESENTATIONS / ANNOUNCEMENTS / COMMENTS:

Zoning Administrator – Deb Graber: ZA Graber's report was in the meeting packet. She additionally reported 13 permits were issued and there was one property line adjustment. There will not be a ZBA meeting this month.

She attended Stand by Your Plan training presented by Ms. Jill Bahm of Giffels Webster; information was in the meeting packet. She also attended a Land Division training program through MSU. It strongly suggests review of General Ordinances, Land Division Ordinances and the Master Plan to ensure there is no conflict in verbiage between the documents with regard to the terminology in the new House Bill approved by Governor Whitmer on 12/23/26. The new Bill goes into effect in 2027.

She attended a meeting with other Zoning Administrators and Planners in the Grand Traverse area discussing the EPIC online system which documents Zoning and Planning activity. Several Townships are already online with the program. She encouraged the ZA to explore this.

There are several new proposed House Bills being considered. House Bill 5531 could affect Whitewater Township regarding Site Plan Review procedures and a 60-day decision deadline.

Mr. Rebant expressed interest in review of computer mapping; he will meet with the ZA who will show him the EagleView program. ZA Graber will send the interface to PC Members and encouraged them to familiarize themselves with this application.

Planning Commission Chair – Rene Stratton: She attended the Township Board meeting on 3/12/26; the Board approved a budget for the PC regarding STR survey proposals. This will be discussed in tonight's Agenda.

She distributed a preliminary timeline of progress to date regarding a potential Short-term Rental Ordinance.

Township Board Representative – Randy Mielnik: The Township Board was unable to schedule a Joint Meeting in April. The Board would like to meet once the PC has more progress on the STR survey and Capital Improvement Plan prior to scheduling a Joint Meeting.

A proposed rezoning application will be discussed by the Board at the 4/13/26 meeting. The PC's budget request for professional services related to the STR survey was approved. At the 3/26/26 meeting, the Board discussed

consideration of live streaming meetings. There will be no Public Comment during Public Hearings via Zoom moving forward.

ZBA Representative – Scott Trumbull: No meeting. No report.

ROWG (Resident Outreach Work Group) – Rod Rebant: There is no ROWG meeting in April, and moving forward the meetings will be held the second week of the month to allow time to create and forward reports to the PC. The ROWG completed turnover of STR data to the PC.

Ms. Peltonen attended an online MSUE session on Capital Improvement Plans (CIP). He received information from the program and believes it may be helpful with the CIP. An inventory of capital assets should be made. Ms. Peltonen stated slides from the webinar are helpful; she can forward them to any PC Members.

Mr. Rebant sent a communication to ROWG Members asking those who worked on the STR project to consider contributing to the CIP project. There is one vacancy on the ROWG at this time.

Mr. Mielnik stated a draft RFP for architectural services is available as the CIP project moves forward. Chair Stratton noted that Township Board Member Tim Arends might be an additional resource to the ROWG in identifying capital improvement items.

Additional Items: None.

UNFINISHED BUSINESS:

Winery and Cidery Ordinance Next Steps:

Giffels Webster Review:

Legal Review:

Ms. Merchant distributed a copy of the current proposed Winery/Cidery Ordinance with revisions and comments from the 3/10/26 meeting and Public Hearing as well as a packet detailing many of these items. PC Members discussed each notation and held an extensive discussion and review of them. Numerous points were discussed with regard to clarification, edits, definitions and Ordinance language. Specific topics included Agritourism, Promotional Activities, Events, Entertainment, Parking, Attendance and more. There was also discussion about existing content in other Ordinances that are noted in the Winery/Cidery Ordinance.

Chief Stratton suggested the PC consult with Giffels Webster and/or the PC's attorney to review the draft and provide feedback. There was PC consensus to do so.

Giffels Webster – Zoning Ordinance Review: The Planning Commission received revisions discussed with Giffels Webster at the 3/4/26 meeting for final review in advance of an anticipated Public Hearing.

The topics of this first bundle review with Giffels Webster include:

- Condominium Development Standards
- Development Process
- PUD Section Update
- M-72 Corridor Overlay District ((formerly Corridor Overlay Planned Unit Development – COPUD)

Commissioners noted any additional questions and suggested modifications of each portion of this bundle in advance of the Public Hearing. Giffels Webster will be in attendance via Zoom at the Public Hearing.

Board Action: Ms. Peltonen made a motion to extend the meeting past the three-hour mark. Mr. Mielnik seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

A five-minute break was taken at 9:55 p.m.

The meeting resumed at 10:01 p.m.

Board Action: Ms. Merchant made a motion to schedule a Public Hearing at the next Regular Meeting of Wednesday, May 6, 2026, at 7:00 p.m. to discuss Bundle #1 of the Zoning Ordinance review. Ms. Stratton seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

Private Roads Ordinance Update – Randy Mielnik: The draft Private Road Ordinance was sent to the Township Board who forwarded it to the Township attorney for review. Comments were received, most of which were typographical changes. Mr. Mielnik will also be speaking with Jennifer at Gourdie Fraser who had minor questions. He expects the draft to go before the Township Board for consideration shortly.

Fence Ordinance Update – Randy Mielnik: The Township Board concurred with the recommendation of the Planning Commission and rejected the Amendment proposal. This subject may be reviewed with Giffels Webster.

Joint Meeting Topics: Chair Stratton reported the PC should have a draft of the STR survey questions and methodology of the survey for the Township Board at a Joint Meeting. Mr. Mielnik stated the Board would also like to discuss progress to date on the Capital Improvement Plan.

Additional subjects for the Joint Meeting were suggested:

- Mr. Hymore's proposal regarding minimum size on an agriculture lot
- Revisiting the Planning Commission's stand on Public Comments via Zoom
- ADA compliance with regard to Public Comment
- Township Board's insight as to expectations of the PC

The PC will consider a Special Meeting dedicated solely on the survey questions and methodology. This will be addressed after a vendor is approved.

NEW BUSINESS:

STR (Short-term Rental) Survey Vendor Selection: Chair Stratton reported the Township Board approved the PC expenditure not to exceed \$20k for vendor services to develop and execute the STR survey.

PC Members reviewed each proposal for service regarding the STR survey. They also explored survey methods and general topics to consider for survey questions.

Board Action: Mr. Mielnik made a motion to hire Epic MRA per their proposal dated 3/4/26, not to exceed \$20k. Ms. Merchant seconded the motion.

ROLL CALL VOTE: Sherman-Y, Trumbull-Y, Peltonen-Y, Merchant-Y, Stratton-Y, Mielnik-Y, Rebant-Y. Motion carried.

General Categories for Survey Questions: Discussed above.

Acme Township Master Plan Comments: Acme Township distributed their draft Master Plan for review/comment. Mr. Mielnik included a draft memo to Ms. Lindsey Wolf, Acme Township Planning and Zoning Administrator in the meeting packet, asking for clarification of several maps at adjacent jurisdictional boundaries and identified each of them. There was discussion and PC consensus for Mr. Mielnik to forward the memo.

NEXT MEETING: Planning Commission Regular Meeting: **Wednesday, May 6, 2026, at 7:00 p.m., Township Hall**

PUBLIC COMMENT:

Mr. Randy Steelman: He believes a 100' setback could be problematic for many wineries. He also discussed size limitations of structures. Regarding STR discussion and corporations, he is not a large corporation. However, his STRs are under an LLC for personal protection. This is common practice for individuals and trusts. The public overwhelmingly supports STRs; the Township should focus on how to regulate them. He inquired how the survey provider would secure cell phone numbers for the survey and stated the survey coverage should be broad.

PC DISCUSSION / COMMENTS:

Mr. Trumbull stated a Special Events Ordinance should be considered. He believes the current Noise Ordinance covers any noise compliance issues. Acme Township's is the same as Whitewater Township's Noise Ordinance.

Ms. Merchant appreciates the PC working together and encouraged them to keep an open mind regarding the Winery/Cidery Ordinance. She noted the ag industry is difficult, with many farms being sold. Being too restrictive deters people from purchasing property and the process for establishing fruit production and a winery. She agrees outdoor events should not become too large and the rural character of the Township should be maintained.

CONTINUING EDUCATION:

ZA Graber suggested the Planning Commission review the proposed House Bills in the Senate as earlier noted. She emailed this information to the PC and Township Board in February. Citizen Planner training begins in April.

ADJOURNMENT:

Board Action: Mr. Trumbull made a motion to adjourn the meeting. Ms. Merchant seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 10:57 p.m.

Submitted by: Kay Z. Held, Recording Secretary

DRAFT



WHITEWATER TOWNSHIP

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zoning@whitewatertownshipmi.gov

Zoning Administrator Report as of April 27, 2026

Planning and Zoning

Reporting ten new permits as of this report. There is one application pending.

DATE	ZONE	LU PERMIT #	TAX ID #	OWNER NAME	ADDRESS	PROJECT DESCRIPTION
3/23/2026	A1	2026-11	28-13-125-015-01	Peck, Ava Makoto Farm	7638 Skegemog Pt Rd	40'x120'x17' Barn Ag Ex
3/25/2026	RC1	2026-12	28-13-031-005-17	Cook, Matt	293 Starflower Ln	3252 sq ft New Home Garage
3/25/2026	A1	2026-13	28-13-121-019-01	Yankee, Mason	8822 Palaestrom Dr	14'x30' inground pool
4/6/2026	A1	2026-14	28-13-001-014-05	Rajala, Jonathan	5228 Hanna Rd	26'x39' Garage
4/6/2026	R1	2026-15	28-13-340-021-00	Zolnai, Daniel	11643 Clearview Drive	16'x20' deck revised plans 24'x48' house/24'x24' garage
4/6/2026	A1	2026-16	28-13-136-002-08	Zebosky, Michael/Tamara	11811 E M72	10'x20' deck & 16'x16' mudroom
4/13/2026	R1	2026-17	28-13-800-053-00	Mark, Christine	11362 Kaiser Ln	54'x48' new home & garage
4/15/2026	A1	2026-19	28-13-128-012-20	Jensen, Jami	8550 Sunflower Peak	7 - 16'x12'x12'
4/20/2026	R1	2026-20	28-13-800-013-00	Walters, Ben	11108 French Ct	new home & garage
4/23/2026	A1	2026-21	28-13-133-009-12	Rizzo, Deidre	6780 Elk Lake Road	New duplex; 3 car garage

Land Division

One pending review and one returned to applicant incomplete.

Zoning Board of Appeals – None

Sincerely,

Deb Graber
Whitewater Township, Zoning Administrator

FILED

Grand Traverse 86th District Court
03/31/2026

**STATE OF MICHIGAN
IN THE 86th DISTRICT COURT FOR THE COUNTY OF GRAND TRAVERSE**

WHITEWATER TOWNSHIP,

Case No. 2025-255400-OM
Ticket No. 2025-01M

v

[REDACTED]

HON. MICHAEL S. STEPKA

Defendant.

Christopher S. Patterson (P74350)
Jacob N. Witte (P82558)
David J. Szymanski (P86525)
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*Pezzetti Vermetten Popovits &
Umulis PC*
Attorney for **[REDACTED]**
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Traverse City, MI 49686-2892
(231) 929-3450
gpopovits@mich-legal.com

ORDER

At a session of said Court,
held this ____ day of _____, 2026.

PRESENT HON. MICHAEL S. STEPKA

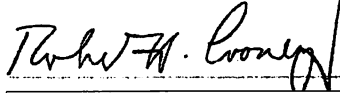
This matter is before the Court upon Defendant **[REDACTED]** Motion to Dismiss Zoning Citation and Whitewater Township's Pre-Trial Brief. This Court having heard oral arguments by the parties on March 27, 2026, and being otherwise fully advised on the matter:

IT IS HEREBY ORDERED that, for the reasons stated on the record, the Whitewater Township Zoning Ordinance validly prohibits short-term rentals.

IT IS FURTHER ORDERED that, for the reasons stated on the record, Defendant **[REDACTED]**

██████████ Motion to Dismiss Zoning Citation is **DENIED**.

It is so ordered. This is not a final order and does not close the case.



04/02/2026
09:34AM

ROBERT COONEY, P47454, JUDGE

Hon. Michael S. Stepka

Order Prepared By:

Jacob N. Witte (P82558)
Fahey Schultz Burzych Rhodes PLC
Attorneys for Whitewater Township
4151 Okemos Road
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The uncompromising zoning administrator is not a bad person

Mary_Reilly<reillym8@msu.edu>, [Michigan State University Extension](#) - October 19, 2020

Updated from an original article written by Kurt H. Schindler.

Zoning administrators are sticklers for rules, and may seem uncompromising. They have a job to do, and not doing their job can result in serious personal liability for a zoning administrator.

Zoning administrators are sticklers for rules, and may seem uncompromising. They have a job to do, and not doing their job can result in serious personal liability for a zoning administrator. By design, the zoning administrator's job is to administer the zoning ordinance as it was adopted with little or no discretion.

On the other side, the zoning administrator may be mumbling, "This is such a minor thing, if only I could look the other way," or "I do not even agree with this regulation, but I have to enforce it."

So why do these stories circulate? Why are officials so uncompromising? Or from the other perspective, why should a government official (like a zoning administrator) behave without any apparent 'common sense'?

One major reason for consistently following the regulation comes down to maintaining governmental immunity. The idea behind governmental immunity is to protect the individual person (who happens to work, volunteer, or is elected in government) from personal liability. When one is acting on behalf of a local government, they are not supposed to be acting for themselves. They should not be held personally liable for those actions.



Remember, majority rules in government. People who work, volunteer or are elected in government may not agree with the majority, but the majority is their “boss”. Even if a zoning administrator does not agree with the majority, it is their job to follow those rules.

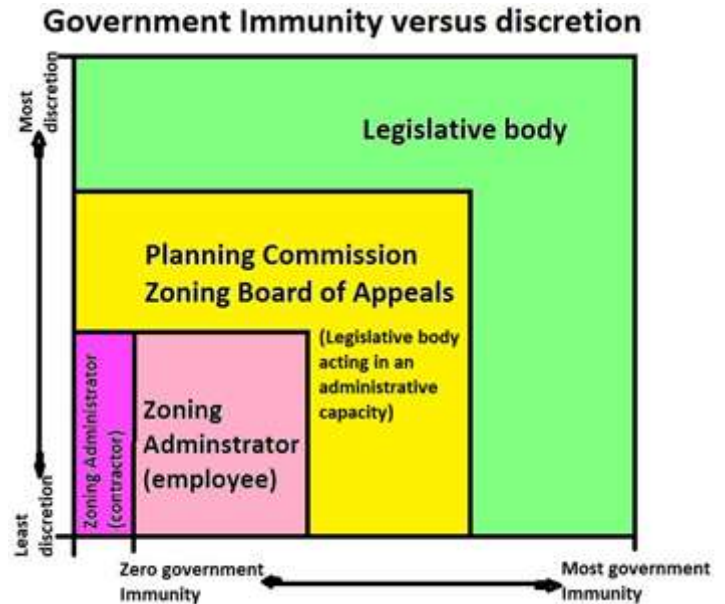
The presumption is that as long as the government is acting in good faith to carry out its responsibilities consistent with the law then those actions are immune from liability. The “government” also includes its employees, and volunteer, appointed and elected officials. Responsibilities consistent with the law means the actions must be a proper government function and not violating anyone’s constitutionally protected rights. And in good faith means the person’s motivation and belief was they were doing the right thing.

But everything a government does is not protected by governmental immunity. In Michigan there are statutory exceptions to governmental immunity. Examples include some instances of sidewalk trip and fall and vehicle damage due to road defects. But the statutory exceptions do not generally apply to zoning

administration. some slack?” or, “They are such a stickler for following the rules.” The amount of government immunity is also not equal for everyone in government.

Figure 1 at right illustrates that the legislative body (elected officials: city or village council, township board of trustees, county board of commissioners) have the most immunity and have the most discretion in decision making. Legislative bodies set policy and adopt ordinances, an area where discretion is often used.

The amount of government immunity is also not equal for everyone in government. Figure 1 illustrates that the legislative body (elected officials: city or village council, township board of trustees, county board of commissioners) have the most immunity and have the most discretion in decision making. Legislative bodies set policy and adopt ordinances, an area where discretion is often used.



Volunteers and appointed officials on boards, such as planning commission and zoning board of appeals members, have less discretion and less immunity. These boards act in an advisory and administrative capacity. They have more discretion than the zoning administrator. They are generally safe as long as acting within their scope of authority and acting in good faith. If a legislative body is performing administrative functions, such as acting as the planning commission, or making final approval of special use permits or site plans, then the legislative body’s immunity is the same as the planning commission’s and zoning board of appeals’.

A government employee, such as the zoning administrator, has the least discretion. Sometimes the zoning administrator has no discretion. Also the zoning administrator has the least amount of governmental immunity, and if he or she is in a contract position rather than an employee may not have any immunity.

The function of a zoning administrator is to administer the zoning ordinance *with limited or no discretionary authority*. As long as the zoning administrator follows what the zoning ordinance requires, there is immunity protection. If the zoning administrator does not adhere to the strict application of the zoning ordinance, then he or she is not “consistent with the law” and may no longer have immunity. Michigan State University Extension provides a [Zoning Administrator Certification](#) program for those seeking a specialized training opportunity to help lower municipal risks.

So the zoning administrator should not overlook the distance of a 1-foot violation. If he or she does and someone else gets upset, there might be serious consequences. As the saying goes, “no good deed goes unpunished.”

A person that does not agree with the zoning administrator has the opportunity to appeal their decision to the zoning board of appeals (ZBA), even when it is as minor as falling short of a required setback by 1 foot. The ZBA has more discretion to provide relief for special circumstances and more immunity to cover that additional discretion. The opportunity to pursue such an appeal is required by Michigan's zoning law. Michigan State University Extension has [resources for citizens to help prepare and understand the appeals process](#).

If the situation warrants, the zoning administrator can also make the Planning Commission aware of a regulation that appears to make little sense. That board, which has more discretion, can consider going through the required steps in order to recommend new language to the legislative body for consideration.

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memorandum

DATE: April 27, 2026
TO: Whitewater Township Planning Commission
FROM: Andy Aamodt, Giffels Webster
SUBJECT: Wineries Draft Text Amendment Audit

Introduction and Background

Towards the end of last month (March 2026), the Township requested that we provide a detailed audit on the drafted wineries text amendment package. It is our understanding that the Township received this text amendment application recently and recommended more time to review this draft language in more detail.

This memo is an audit of the draft text amendment from the applicant, dated March 10, 2026; our goal is to point out key considerations for Planning Commission in their review of this draft wineries text amendment. It is our recommendation that Planning Commission use this audit for assistance in considering the recent draft text amendment, but this audit should not serve as a recommendation to approve or deny the draft language.

Audit Comments

*Comments that should involve further discussion by Planning are symbolized in **green bold**. However, please consider all comments because particular direction any individual comment may warrant further discussion.*

Structural, Organizational, and Formatting Comments

1. **Section 5.13:** This section contains a reference to the Master Plan principle #2. We recommend just simply referencing the Master Plan, and not referencing a particular part, section, or principle in this manner. Future updates to the Master Plan could change the way this topic is addressed, and other sections of the Plan address agri-tourism, so we should not limit the reference to one section.
2. **Section 5.13:** Much of this zoning language is focused on how events, outdoor music, promotional activities, and entertainment relate to promoting agriculture and value-added agricultural processing, but most of the early intent-like language does not address this. An intent statement early in this Section could cover the full intent that should be covered – and all this should be included. Additionally, this should also mention microbreweries and micro distilleries, if this ordinance further permits them.
3. **Section 5.13.b:** It is not necessary to point out that “building coverage” is a defined term – this is common term used in zoning ordinances and in land development. If it were a term that the Planning Commission fears could be misapplied, this type of clarification could be important, but likely not for a term that is likely frequently used.
4. **Section 5.13.k:** This subsection is not necessary – these processes are givens based on how the ordinance permits the use and how the ordinance lays out violation processes.

5. **Section 13.17.E:** Bullet-point lists are used. Any bullet-point lists should be made into an ordered list. (Note: We are fixing the current Article 13 issues with this in our Bundle 1 text amendment process.)

Specific Comments on Individual Provisions

1. **Section 5.13.b:** Should this provision for building coverage be applicable for all buildings on the lot? Or is it only applicable for buildings associated wineries and tasting rooms? It would be conceivable that as an agricultural site may transition into a winery, that some existing agricultural buildings may remain or may need to be phased out, but may contribute heavily toward this count. **Additionally, Planning Commission may wish to consider why the value of 7,000 square feet was landed to ensure quantifiable measurements are not arbitrary.**
2. **Section 5.13.c:** Clarity regarding what may happen in the 100 foot setback is beneficial. **Currently it reads as just principal or accessory buildings, but the Planning Commission should consider if temporary buildings (tents), parking, and other heavily used site elements may be located within this setback. Food trucks are permitted further in this section – should these allowed to be within the required setback?**
3. **Section 5.13.c:** A reference to Section 10.02 and 10.03 for landscape screen buffers may be the most effective and consistent way to apply screening requirements.
4. **Section 5.13.e:** This language is confusing and may result in a loophole that may allow for a facility to essentially turn into a grocery store. Some sort of a provision putting guardrails around the retail sale of food (groceries) may be necessary if will truly remain the principal use with all other uses being accessory. **Otherwise, maybe this is intended to be an option to allow for flexibility of uses in conjunction with wineries – should this type of use flexibility be allowed?** It should just be clear to the Planning Commission that the drafted text of this provision may open the door for quite the use latitude.
 - a. Sub-provisions 5.13.e.1 and 4 are somewhat contradictory. More clarity on the two different types of offerings will be important for interpretation.
 - b. Sub-provision 5.13.e.4 seems to require a kitchen facility capable of preparing these meals, which are prohibited as a regular service above. **Planning Commission should consider if appropriate guardrails are in place to prevent this from becoming a full-service restaurant.**
5. **Section 5.13.h:** If the distinction between a promotional activity and an event is the number of people, the language should be clear that the cap for promotional activity is 100, without any reference or consideration of the term “expected.” Also, if 100 people or fewer is a promotional activity, and greater than 100 people is an event, we would recommend shifting the terminology of these to “event, small” and “event, large.” The term “promotional activity” is not defined in this amendment package and is not common terminology in zoning ordinances.
 - a. **Section 5.13.h.4:** Two bookends for how far in advance a tent or temporary structure can be put up, and when it needs to be removed, should be provided. Safety standards for tents may need to be considered, too, such as a requirement that the tent can withstand certain wind loads. (Note: this comment is relevant to 5.13.i as well.)
 - b. **Section 5.13.h.7:** We recommend expanding the language of this provisions to be explicit that septic capacity is the authority of the Health Department, and that room/building capacity is the authority of the Fire Department – these are separate limiting factors. And clarity should be provided that whichever is more restrictive overrules the other. (Note: this comment is relevant to 5.13.i as well.)
6. **Section 5.13.i:**
 - a. Clarity should be provided regarding events containing less than 100 people. An option for this would be by categorizing events into small and large categories as stated in point #5 of this memo above, and then allocating the category-specific standards accordingly.

- b. Reference to an “individual” site plan review is confusing and contradictory to normal zoning processes. The term “site plan review” as a specific meaning in the zoning ordinance – and only one site plan review takes place with the special land use approval. This one time would be the time for Planning Commission to set the maximum. Further, if limits on capacity of the event are intended, findings for Planning Commission to utilize in setting unarbitrary capacity will be critical to ensure consistent, fair decision-marking. If the Township desires a process that requires review at each event, then the Township should look into the feasibility and legality of a general code ordinance that permits large outdoor events, and perhaps that would be the place to prompt such review. We defer to Township legal counsel on an idea like this.
7. **Section 5.13.j:**
- a. **Section 5.13.j.1: Planning Commission should consider what kind of conditions should apply to overflow parking.** And, with this provision referring to Article 9, it’ll presumably also have to follow the design standards of Article 9 (i.e. paving), which is likely contradictory to the intent of overflow parking in this context. **Planning Commission should consider if it will be okay to have overflow parking areas to be grass marked with paint, or stakes and twine.**
 - b. **Section 5.13.j.5: Planning Commission should discuss this topic and distinguish between music and the broader category of entertainment.** Entertainment is a very broad category of activity that potentially includes shows, movies, plays, or other types of performances, or it could even be interpreted to include light shows, drone shows, or fireworks as well. A distinguishment between outdoor and indoor amplified music is also essential – outdoor amplified music is a critical concern in mitigating nuisance, while indoor amplified music has less ability to become a nuisance being contained within walls. Additionally, any requirements/limitations on outdoor amplified music should be appropriately applied to “promotional activities” and “events” (which we again propose terming as “event, small” and “event, large”). We recommend additional legal guidance on this topic and the associated topic of a noise ordinance. **As we state below, we provide sample language for a noise ordinance; being the first time you or the Township has seen this language, due care in navigating a noise ordinance process should be taken.**
8. **Section 5.13.o: Planning Commission should consider if microbreweries or micro distilleries may be accessory uses to a winery, or if they could be standalone as their own use.**
9. **Section 13.17.E:** This appears to be a continuation of standards that could take place in the proposed 5.13 above. Additionally, the following comments should be considered:
- a. Simple ownership of 20 acres is not the only matter to consider. The key point is that the winery itself must be located on a parcel of land that is at least 20 acres in size. This parcel may a single parcel, or may be multiple parcels that are contiguous and all together are 20 acres or more in size. The way this is written may imply that an applicant could farm 20 acre, then put the winery on three acres a mile away. Also, split-zoned parcels currently exist – there may need to be clarification that all 20 acres must be zoned A-1.
 - b. **Planning Commission should consider if the tasting room – while not required of course – should be only for products grown on site.**
 - c. An accessory use micro-brewery or micro distillery should also be using products grown on-site to be consistent with wineries. We did not see a threshold for amount of what gets used being grown on-site.
 - d. In terms of the spacing standard, the current language is a bit confusing with its hard one-mile distance buffer but with discretionary references to special land use-related considerations. We have the following comments:

- i. Perhaps a provision be added that the applicant for a winery within one mile of an existing winery be required to provide documentation that they meet the requirements of this section.
- ii. A waiver from the one-mile distance buffer may be worthwhile, with criteria for the Planning Commission to consider (i.e. that the separation is by some sort of major natural feature or State highway).
- iii. References to special land uses within the spacing standard should be removed.

Other General Code Considerations

We provide a draft noise ordinance attached to this memo.

Considerations for Future Ordinance Updates

From an overarching land use standpoint, broader considerations for agritourism should be considered in a future zoning ordinance amendment bundle or task. This is not meant to slow down the momentum of this current wineries task, but grouping agritourism more broadly and setting clear standards may have a benefit in giving agricultural stakeholders future flexibility, while setting clear expectations for these land uses from a site and/or operational standpoint. The above point on 5.13.o (#8 above) emphasizes this point – more types of agritourism may need to be considered, but perhaps that be in the near future so as to not hold up the more narrowly scoped wineries amendment.

One structural or organizational point we wish to point out is agritourism could be considered in tiers. The level of review could be associated with the tier as well – perhaps they are categorized and reviewed for as follows:

1. **First Tier Activities:** These may be accessory or customarily incidental uses that do not materially change anything about the agritourism use. These may be allowed to take place without any review – they can just occur as permitted as accessory to the use.
2. **Second Tier Activities:** These may also be accessory or customarily incidental uses, but materially change operations of the use and may involve small-scale construction. These may be reviewed by the zoning administrator, but because flexibility for these owners/operators to adjust present and future needs is key, these may not need full site plan review or special land use review.
3. **Third Tier Activities:** These may be activities that are far more substantial in terms of construction and possibility for nuisance factors. These materially change the operations, and may involve larger-scale construction. And, these could have a higher potential for more traffic, amplified sound, or lighting impacts. Full site plan review and special land use review should be required for these third tier activities.

DRAFT NOISE REGULATIONS (ZONING)

Noise

- A. Intent. The intent of these noise regulations is to provide a safe and peaceful environment for wildlife and people in Whitewater Township, including residents, visitors, and workers. This section intends to limit the emission of noise from its sources that could be considered obnoxious by those on neighboring properties, including transient noise, intermittent noise, and constant sound, including infrasound below 20 Hz.
- B. The emission of measurable noise from any use shall comply with the following:
 1. In general. Objectionable sounds of an intermittent nature or characterized by high frequencies, even if falling below the maximum decibel limits set forth in this section, shall be controlled so as not to become a nuisance to adjacent uses.
 2. A-weighted decibels. Between 7:00 A.M. and 10:00 P.M., noise shall not exceed fifty-five (55) dB(a) as measured at the boundary property lines, except that where normal street traffic noises exceed fifty-five (55) dB(a) during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. Between 10:01 P.M. and 6:59 A.M., noise shall not exceed forty-five (45) dB(a) at the property line. In the [industrial] district the following maximum noise levels may be permitted:
 - a. 7:00 A.M. to 10:00 P.M. Noise not to exceed seventy (70) dB(a)
 - b. 10:01 P.M. to 6:59 A.M. Noise not to exceed forty-five (45) dB(a).
 3. C-weighted decibels. Noise shall not exceed seventy (70) dB(c) as measured at the boundary property lines, except that where normal street traffic noises exceed seventy (70) dB(c) during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises.
 4. G-weighted decibels. Infrasound at any property line shall not exceed eighty (80) db(G) LGeq,10-minute.

WHITEWATER TOWNSHIP PHONE SURVEY APRIL 2026 – PC DRAFT 2

SAMPLE: 1=Cell/2=Land

DATE: _____ / _____ / _____

PHONE: _____

CODE: _____ **INTERVIEWER:** _____

=====

Hello, this is (NAME) from EPIC ▪ MRA, a Lansing based survey research firm. We are conducting a random survey with township residents to gather opinions on several important local issues. This is not a sales call, you will not be asked for a donation, and you will not be called again because you participated in this survey. This is strictly anonymous survey research and I'd like to include the opinions of your household.

=====

__01. Are you a full-time resident of Whitewater Township or a part-time/seasonal resident?

- (1) A full-time resident
- (2) A part-time/seasonal resident
- (3) Undecided/Refused

__02. Do you own property in Whitewater Township?

- (1) Yes, owns property
- (2) No, does not own property
- (3) Undecided/Refused

GO TO Q.4

__03. How many acres of property do you own in Whitewater Township? **[ROUND UP TO THE NEAREST WHOLE NUMBER – IF UNDECIDED/REFUSED CODE “99999”]**

Number of acres: _____

__04. Are you currently registered to vote in Whitewater Township?

- (1) Yes
- (2) No
- (3) Undecided/Refused

__05. Short term rentals, are generally defined as privately owned residences, properties, and grounds, such as those listed on AirBnB.com and VRBO.com, for guests to use for 30 days or less. Based on your understanding, does Whitewater Township currently allow short term rentals?

- (1) Yes
- (2) No
- (3) Undecided/Refused

__06. Have you personally ever used a short term rental?

- (1) Yes
- (2) No **GO TO Q.8**
- (3) Undecided/Refused **GO TO Q.8**

__07. Overall, have your experiences using short term rentals been positive or negative? [**IF POSITIVE/NEGATIVE, ASK: “Would that be very or just somewhat?” AND CODE BEST RESPONSE**]

- (1) Very positive
- (2) Somewhat positive
- (3) Neither positive nor negative (*volunteered – do NOT read*)
- (4) Somewhat negative
- (5) Very negative
- (6) Undecided/Refused

__08. Have you ever lived next to, or nearby, a short term rental?

- (1) Yes
- (2) No **GO TO Q.10**
- (3) Undecided/Refused **GO TO Q.10**

__09. Overall, have your experiences living next to, or nearby, short term rentals been positive or negative? [**IF POSITIVE/NEGATIVE, ASK: “Would that be very or just somewhat?” AND CODE BEST RESPONSE**]

- (1) Very positive
- (2) Somewhat positive
- (3) Neither positive nor negative (*volunteered – do NOT read*)
- (4) Somewhat negative
- (5) Very negative
- (6) Undecided/Refused

__10. Short term rentals are NOT currently allowed in Whitewater Township. Which of the following best describes your opinion of short term rentals in Whitewater Township? [**READ 1 THROUGH 3**]

- (1) Short term rentals SHOULD BE allowed with no restrictions
- (2) Short term rentals SHOULD BE allowed, but have certain restrictions
- (3) Short term rentals SHOULD NOT BE allowed under any circumstances
- (4) Undecided/Refused

**POLLERS NOTE: ROTATE SECTION SETS
(Q.11 THROUGH Q.16) AND (Q.17 THROUGH Q.22)**

Now I would like to read you a list of some of the concerns of allowing short term rentals that some residents have mentioned. For each, please tell me if that is a very serious concern, a somewhat serious concern, only a minor concern, or no concern at all for you when it comes to allowing short term rentals in Whitewater Township. The first one is ...

[READ AND ROTATE Q.11 THROUGH Q.15]		Very Serious	Smwt Serious	Only Minor	No Concern	Undec/ Refuse
_11.	Overcrowding of parking and/or the home	(1)	(2)	(3)	(4)	(5)
_12.	Impact on housing availability and the housing market	(1)	(2)	(3)	(4)	(5)
_13.	Enforcement of existing and/or new ordinances	(1)	(2)	(3)	(4)	(5)
_14.	Impact on the neighborhood and/or cohesion of the community	(1)	(2)	(3)	(4)	(5)
_15.	Responsible management and accountability of the property	(1)	(2)	(3)	(4)	(5)

__16A-E. Thinking about the list I just read, do you currently have any of these concerns with your current neighbors? **[IF YES, ASK: "Which ones?" PROBE FOR MULTIPLE RESPONSES – READ LIST IF NECESSARY - CODE ALL RESPONSES MENTIONED]**

- (1) Overcrowding of parking and the home
- (2) Impact on housing availability and the housing market
- (3) Enforcement of existing and/or new ordinances
- (4) Impact on the neighborhood and/or cohesion of the community
- (5) Responsible management and accountability of the property
- (6) No; none
- (7) Undecided/Refused

Now I would like to read you a list of some of the benefits of allowing short term rentals that some residents have mentioned. For each, please tell me if that is a major benefit, somewhat of a benefit, only a minor benefit, or no benefit at all when it comes to allowing short term rentals in Whitewater Township. The first one is ...

[READ AND ROTATE Q.17 THROUGH Q.22]		Major Benefit	Benefit Smwt	Minor Benefit	No Benefit	Undec/ Refuse
_17.	Protecting the property rights of property owners	(1)	(2)	(3)	(4)	(5)
_18.	Supporting local businesses	(1)	(2)	(3)	(4)	(5)
_19.	Supporting local property owners	(1)	(2)	(3)	(4)	(5)
_20.	Attracting businesses to the area	(1)	(2)	(3)	(4)	(5)
_21.	Improving the upkeep of Township properties	(1)	(2)	(3)	(4)	(5)
_22.	Exposing Whitewater Township to new people	(1)	(2)	(3)	(4)	(5)

Some residents have proposed allowing short term rentals in certain zoning districts within Whitewater Township. Please tell me if you would support or oppose allowing short term rentals in each of the following areas. **[IF SUPPORT/OPPOSE, ASK: “Would that be strongly or somewhat?” AND CODE BEST RESPONSE]**

[READ AND ROTATE Q.23 THROUGH Q.28]		Strong Support	Smwt Support	Smwt Oppose	Strong Oppose	Undec/ Refuse
_23.	Commercial areas	(1)	(2)	(3)	(4)	(5)
_24.	Agricultural areas	(1)	(2)	(3)	(4)	(5)
_25.	Industrial areas	(1)	(2)	(3)	(4)	(5)
_26.	Residential areas on the shoreline and waterways	(1)	(2)	(3)	(4)	(5)
_27.	Other residential areas/subdivisions	(1)	(2)	(3)	(4)	(5)
_28.	Recreational areas (generally south of M-72)	(1)	(2)	(3)	(4)	(5)

Now I would like to read you a list of regulations and requirements that are often enforced on short term rentals. Regardless of how you feel about allowing short term rentals in Whitewater Township, please tell me for each one if you think that regulation or requirement is very important, somewhat important, only a little important, or not important at all. The first one is ...

[READ AND ROTATE Q.29 THROUGH Q.36]		Very Import	Smwt Import	Little Import	Not Import	Undec/ Refuse
_29.	Regular building and fire inspections	(1)	(2)	(3)	(4)	(5)
_30.	Whitewater Township registration	(1)	(2)	(3)	(4)	(5)
_31.	Yearly fees to support code enforcement	(1)	(2)	(3)	(4)	(5)
_32.	Limiting the number of people allowed in a short term rental based on the number of bedrooms available in the rental	(1)	(2)	(3)	(4)	(5)
_33.	Limits on the number of days allowed	(1)	(2)	(3)	(4)	(5)
_34.	Maintaining a local property manager	(1)	(2)	(3)	(4)	(5)
_35.	Regular septic system inspections					
_36.	Established fines for non-compliance	(1)	(2)	(3)	(4)	(5)

_37. Short term rentals often describe how many bedrooms exist in the unit and how many persons can be accommodated. If Whitewater Township developed an ordinance allowing short term rentals, do you think it should limit the maximum number of people allowed in a short term rental?

- (1) Yes
- (2) No
- (3) Undecided/Refused

GO TO Q.39
GO TO Q.39

_38. What do you think should be the maximum occupancy limit per bedroom? **[READ 1 THROUGH 4 BELOW AND CODE BEST RESPONSE]**

- (01) One person
- (02) Two people
- (03) Three people
- (04) Or something else (*please specify*): _____
- (99) Undecided/Refused

__39. In order to enforce rules and restrictions for short term rentals, Whitewater Township would likely face additional administrative costs associated with the enforcement of those regulations. In your opinion, should the cost of a short-term rental license cover the administrative costs associated with short-term rentals?

- (1) Yes
- (2) No
- (3) Undecided/Refused

__40. If short term rentals are allowed in Whitewater Township, do you think the ability to operate a short term rental should be available only to residents who own and occupy that same home at least part-time, or should the right to have a short term rental be extended to corporations, investment groups, or similar entities that only use the home as a short term rental?

- (1) Short term rentals should be restricted to owner-occupied residents **GO TO Q.42**
- (2) Short term rentals should be an option for any person, corporation, or entity that owns a home
- (3) Undecided/Refused

__41. In some tourist areas, homes are purchased by outside corporations or investment entities for the sole purpose of creating short term rentals. Some have voiced concerns about this practice, including the lack of actual residents with community ties, and increased home prices. Does this raise very serious concerns, somewhat serious concerns, only minor concerns, or no concerns at all for you?

- (1) Very serious concerns
- (2) Somewhat serious concerns
- (3) Only minor concerns
- (4) No concerns at all
- (5) Undecided/Refused

__42. After thinking about some of the potential benefits and drawbacks to short term rentals, let me ask you a final time - which of the following best describes your opinion of short term rentals in Whitewater Township? **[READ 1 THROUGH 3]**

- (1) Short term rentals **SHOULD BE** allowed with no restrictions **ASK Q.43**
- (2) Short term rentals **SHOULD BE** allowed, but have certain restrictions **ASK Q.43**
- (3) Short term rentals **SHOULD NOT BE** allowed under any circumstances **GO TO Q.46**
- (4) Undecided/Refused **GO TO Q.47**

__43. What is the main reason why you would be in favor of short term rentals in Whitewater Township? **[WRITE COMMENT AS STATED]**

__44. Do you think there should be a limit on the total number of short term rentals allowed in Township?

- (1) Yes
- (2) No **GO TO Q.47**
- (3) Undecided/Refused **GO TO Q.47**

__45. What is the largest percentage of all residential housing that should be allowed for short term rentals in the Township? **[WRITE PERCENTAGE AS A WHOLE NUMBER – IF UNDECIDED/REFUSED, CODE “999”]**

Number: _____ - **THEN GO TO Q.47]**

__46. What is the main reason why you would oppose short term rentals in Whitewater Township? **[WRITE COMMENT AS STATED]**

Finally, just a few questions for statistical purposes only.

__47. For how many years have you lived or owned property in Whitewater Township? **[CODE NUMBER FROM 0 TO 10 - IF “Undecided/Refused” CODE “99”]**

NUMBER: _____

__48. Do you have children who are school age or younger?

- (1) Yes
- (2) No
- (3) Undecided/Refused

__49. Do you own or operate a business in Whitewater Township?

- (1) Yes
- (2) No
- (3) Undecided/Refused

__50. How would you describe where your property in Whitewater Township is located? **[READ 1 THROUGH 3]**

- (1) North of M-72 and East of Elk Lake Road
- (2) North of M-72 and West of Elk Lake Road
- (3) South of M-72 and East of Williamsburg Road
- (4) South of M-72 and West of Williamsburg Road
- (5) Not a township resident (*volunteered*)
- (6) Undecided/Refused

__51. Would you say your residence is in a...? [READ 1 THROUGH 6]

- (1) Commercial area
- (2) Agricultural area
- (3) Industrial area
- (4) Residential area on the shoreline or waterway
- (5) Other residential area or subdivision
- (6) Recreational area
- (7) Undecided/Refused

__52. Could you please tell me in what year you were born? [IF REFUSED, ASK: 'Would you please tell me in which of the following categories your age falls? Please stop me when I get to a category that applies to you.' AND READ 1 TO 4]

[RECORD YEAR HERE ____ AND THEN CODE BELOW]

- (1) 18 to 34 years (1992 to 2008)
- (2) 35 to 49 (1977 to 1991)
- (3) 50 to 64 (1962 to 1976)
- (4) 65 and over (1961 or before)
- (5) Undecided/Refused

__53. Respondent gender (DO NOT ASK -- BY OBSERVATION ONLY)

- (1) Male
- (2) Female

THANK RESPONDENT FOR HIS OR HER TIME AND TERMINATE

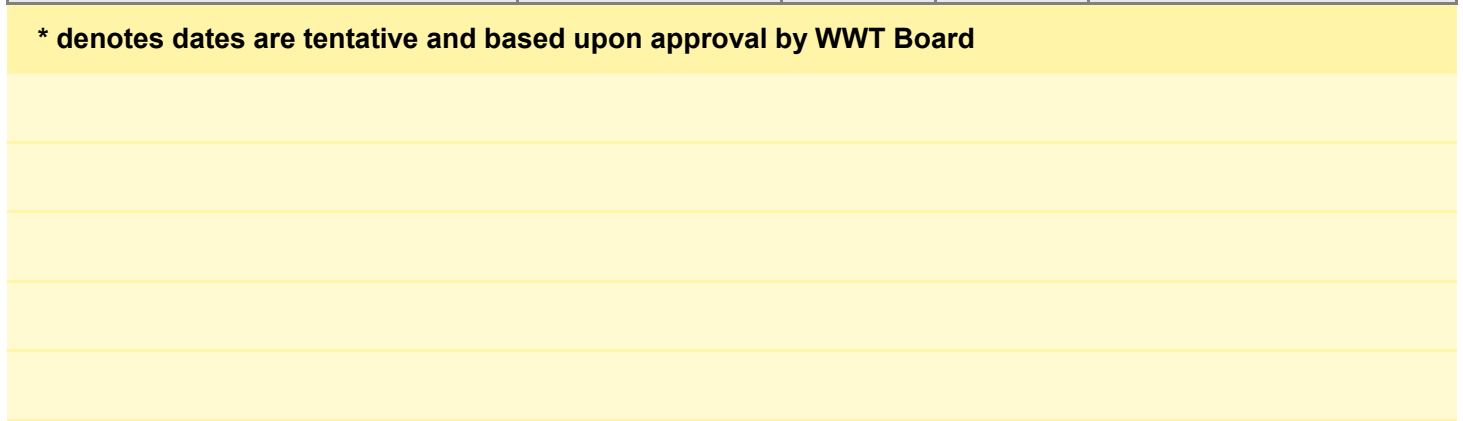
WWT Short Term Rentals

Planning Commission Timeline

updated 04/21/2026

TASK	ASSIGNED TO	PROGRESS	START	END
Execution				
Research Michigan ordinances	ROWG	100%	9/2/25	3/3/26
Community Workshop #1	PC, ROWG and MSU-E	100%	1/21/26	2/24/26
Survey RFPs	Stratton/PC	100%	2/20/26	3/4/26
Approval of survey budget	WWT Board	100%	3/12/26	3/12/26
Selection of Vendor	PC and Board	100%	4/1/26	4/1/26
Collection of topics for survey questions	PC	100%	4/1/26	TBD
Survey question development	PC/Board	33%	4/20/26	end of May
Final approval of Survey Questions	Board	0%	May*	end of May*
Survey goes live	Epic MRA	0%	Early June*	3.5 weeks
Survey Report	Epic MRA	0%	TBD	3-4 weeks after survey closes
Workshop #2	PC and MSU-E	0%	TBD	August*
Draft Ordinance - if necessary	PC	0%	TBD	
Public Hearing/ Recommendation of PC	PC	0%	TBD	
Vote on Ordinance	Board	0%	TBD	

*** denotes dates are tentative and based upon approval by WWT Board**



Insert new rows ABOVE this one