WHITEWATER TOWNSHIP PLANNING COMMISSION REGULAR MEETING

July 1, 2026 7:00 pm

Whitewater Township Hall 5777 Vinton Road, Williamsburg, MI 49690

Phone: 231-267-5141 / Fax: 231-267-9020

Click this link to view the meeting live: https://www.youtube.com/@whitewatertownship/live

At this time, the PC invites everyone to silence their electronic devices

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities upon reasonable advance notice. Contact the Township Clerk at clerk@whitewatertownshipmi.gov at least 5 days in advance of the meeting.

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Microphone check**
4. **Roll Call of PC Members**
5. **Set/Adjust Meeting Agenda**
6. **Declaration of Conflict of Interest pertinent to agenda items**
7. **Public Comment – In house: Any person shall be permitted to address a meeting of the PC. Public comments shall be carried out in accordance with the following rules and procedures.**
    a. There are two opportunities for public comment: now and at the end of the meeting.
    b. Comments shall be directed to the PC with questions directed to the Chair.
    c. Any person wishing to address the PC shall speak from the lectern and state his/her name and address.
    d. Persons may address the PC on matters that are relevant to Township planning and zoning issues.
    e. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer a PC member's questions.
    f. Public comment shall be limited to 3 minutes per person.
    g. In order to avoid unscheduled debates, the PC generally will not comment or respond to public comment. Silence or non-response from the PC should not be interpreted as disinterest.
8. **Approval of Minutes of Previous Meeting:** June 3, 2026
9. **Correspondence**
10. **Reports/Presentations/Announcements/Comments**
    a. Zoning Administrator
    b. Planning Commission Chair
    c. Township Board Representative
    d. ZBA Representative
    e. ROWG
    f. Additional Items
11. **Unfinished Business**
    a. Amended motion on ZA - 2026-03 Repeal and replacement of Article 7 – Planned Unit Development, Amendments to Article 8 – Condominium Development, Amendments to Article 12 – Site Plan Review, Amendments to Article 13 – Special Land Uses (except Article 13.17), Amendments to Article 19 – Administration, Amendments to Article 2 – Definitions

i. PC discussion

b. Amendment to 13.17 and Article 5 - PC discussion
c. Amendment to Article 6: PUD - PC discussion
d. Winery and Cidery Ordinance
    i. Legal review
    ii. Giffels-Webster rewrite of ordinance
e. STR Survey Update – Epic MRA report due August

12. New Business

a. Amendment to Article 22 – Violations section 22.01 Penalties

13. Next Meeting: 8/5/2026

14. Public Comment

15. PC Discussion/Comments

16. Continuing Education

17. Adjournment

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

REGULAR MEETING
SPECIAL MINUTES (due to time change)
Wednesday, June 3, 2026, 6:30 p.m.

CALL TO ORDER:
Chair Stratton called the meeting to order at 6:30 p.m.
The Pledge of Allegiance was recited.
A microphone check was done.

Public Attendance On-site at Township Hall: 8 (approximately)
YouTube Viewing (in real time): 1 (approximately)

ROLL CALL: Secretary Peltonen called Roll.

Present:
Rene Stratton, Chair
Sadie Merchant, Vice Chair
Denise Peltonen, Secretary
Scott Trumbull, Member
Michael Sherman, Member

A quorum was established.

Absent:
Rod Rebant, Member (excused)
Randy Mielnik, Township Board Trustee (excused)

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA: No changes.

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

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT:

Mr. Tom Slopsema: Short-term rentals take away the property rights of residents who purchased homes in an R-1 District, believing that commercial run businesses would not be there. Zoning should protect property rights. STRs bring noise, traffic and speeding as well as hurt property values. Question #5 on the STR survey should be removed; the District Court judge ruled STRs are prohibited in Whitewater Township.

Questions #10 and #42 would be confounded, with a mixed result. Questions #11-16 omitted protecting property rights of residents, the problems of excessive noise, light, litter, trespassing, neighborhood overcrowding, decreased property values and investors exploiting the area and its natural resources.

Question #17 is problematic; running a prohibited property is not a right.

Questions #29-38 regarding regulations; the Township fails to enforce current STR prohibition; he questioned how it would enforce 10 new proposed rules. He outlined numerous disturbances from STRs as early as April including an event that did not seek a permit. Fines need to be substantially increased. The Zoning Administrator needs clear enforcement power.

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APPROVAL OF MINUTES:

May 6, 2026, Regular Meeting of the Planning Commission: Amendments: Yes.

Board Action: Ms. Merchant made a motion to approve the Minutes of the May 6, 2026, Regular Meeting as amended. Mr. Trumbull seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

May 14, 2026, Special Joint Meeting of the Township Board and Planning Commission:
Amendments: None.

Board Action: Mr. Trumbull made a motion to approve the Minutes of the May 14, 2026, Special Joint Meeting of the Township Board and Planning Commission as presented. Ms. Merchant seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

CORRESPONDENCE:
K. Mangus – Bundle #1 of Zoning Ordinance Review
J. Zenas – STR Survey
G. Chadha – STR Survey

REPORTS / PRESENTATIONS / ANNOUNCEMENTS / COMMENTS:

Zoning Administrator – Deb Graber: ZA Graber's report was in the meeting packet. She additionally reported:
Nine permits have been issued from April 30 to May 14. Permit activity is busy. Many complaints have come in. The ZBA heard an appeal at their 5/28 meeting; Mr. Trumbull will include this in his report.

The Township Board has scheduled a Special Meeting on Tuesday, June 30, 2026, at 6:00 p.m. It will be held at the Elk Rapids Governmental Center on the subject of Civil Infractions Ordinance and Enforcement Policy. The Township attorney will be present to answer questions.

ZA Graber stated Municipal Civil Infractions, if not resolved, may result in issuance of a misdemeanor citation and criminal record. She strives to aid residents in meeting compliance over escalation to law enforcement.

Planning Commission Chair – Rene Stratton: Chair Stratton attended a meeting on data centers hosted by the Northern Michigan Chamber Alliance. There was discussion about impacts, benefits and risks as well as prospective Ordinance content with regard to data centers.

Township Board Representative – Randy Mielnik: Absent, no report.

ZBA Representative – Scott Trumbull: Mr. Trumbull reported the ZBA heard a variance request at its 5/28/26 meeting. The applicants asked for a variance for a non-conforming garage to be built after demolition of an existing, non-conforming garage. The application was denied.

The ZBA drew from non-use variance questions from the Zoning Ordinance and will be reviewing the content, making recommendations for improved ease of understanding and presenting them to the Planning Commission. It will then be sent to the Township Board for consideration of verbiage amendments. The content under review is part 20.07 B, Questions 1-7 from the Zoning Ordinance.

Mr. Trumbull stated neither ZA Graber nor Clerk Hoeksema will be in the office 100% of the time to provide paper STR surveys in exchange for post card notifications if desired.

ROWG (Resident Outreach Work Group) – Rod Rebant: Absent; no report.

Additional Items: None.

UNFINISHED BUSINESS:

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ZOA-2026-03 Repeal and Replacement of Article 6 – Corridor Overlay Planned Unit Development (COPUD) Zoning District with New Overlay District Named M-72 Overlay District,

Repeal and Replacement of Article 7 – Planned Unit Development (PUD),
Amendments to Article 8 – Condominium Development,
Amendments to Article 12 – Site Plan Review,
Amendments to Article 13 – Special Land Uses,
Amendments to Article 19, Administration,
Amendments to Article 2 – Definitions,
Amendments to Article 5 – Supplemental Development of the Relocation of Use-specific Details from Article 13

The repeal and replacement of Article 6 – Corridor Overlay Planned Unit Development will be retitled the M-72 Corridor Overlay District and is postponed until July. Planners Giffels and Webster are creating material showing the existing and proposed items for the new M-72 Overlay District. This information will be available mid-June at the Township Hall and mailed to M-72 impacted parcels. There will be a public workshop on this matter on July 1, at 6:00 p.m. immediately prior to the Planning Commission's 7:00 p.m. Regular Meeting. Members of the Planning Commission will be present at this workshop.

Mr. Andy Aamodt of Giffels Webster joined the meeting via Zoom. The Planning Commission, with the expertise of Mr. Aamodt, has reviewed, discussed and made revisions to the following portions of the Zoning Ordinance (Bundle #1 of the review process) at October 1, 2025, November 24, 2025, February 4, 2026, and May 6, 2026 (also a Public Hearing) meetings. Mr. Aamodt reviewed the revisions made since the last the meeting in each of these sections. There was additional discussion about portions of the material.

Planned Unit Development (PUD) Section Update
This is for the repeal and replacement of Article 7, Planned Unit Development, for the purpose of Master Plan alignment, procedural plan updates, density allowances and other minor changes for clarity and readability.

Condominium Development Standards
Amendments to Article 8 are to provide for residential cluster development options, to encourage open space preservation and update requirements including landscaping as well as minor changes for clarity and readability. No additional changes were made to this section after the May 6 meeting.

Development Process
This affects the relocation of use-specific details such as home occupations, B&Bs, etc., from Article 13 to Article 5. The existing text from Article 13 will be retained; Article 5 will be amended with updates suggested from the Public Hearing. There are also amendments to Article 12 to improve the Site Plan review process, clarify approval details and minor changes to improve readability and clarity.

Amendment to Article 13 Special Land Use – delete redundant language, clarify approval details and minor changes for clarity and readability.

Amendment to Article 19 – Administration – clarify language and permit process.

Amendment to Article 2 – Amend definitions to accompany the preceding amendments.

Board Action: Ms. Stratton made a motion based on specific findings and conclusions discussed pursuant to Article 21 of the Whitewater Township Zoning Ordinance, the Whitewater Township Planning Commission recommends that the Whitewater Township Board act to approve repeal and replacement of Article 7 – Planned Use Development, amend Article 8 – Condominium Development, amend Article 12 – Site Plan Review, amend Article 13 – Special Land Uses, amend Article 19 – Administration, amend Article 2 – Definitions and amend Article 5 – Supplemental Development Standards based on the attached material. Mr. Trumbull seconded the motion.

Chair Stratton read aloud Findings of Fact on the following criteria prior to the PC vote:

Criteria A: Consistency with the goals, policies and objectives of the Township's Master Plan and any sub-area plans:

Response: The Whitewater Township Master Plan was adopted in 2025. The proposed amendments are consistent with this Plan in the following specific ways:

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a. PUD Section Amendment – Article 7: Page 73 of the Master Plan identifies preserving Whitewater Township's rural character as Planning Principle #2 and specifically identifies the need to create an improved PUD Zoning District. This consideration is similarly identified in Goal 2-A (page 81) and is further discussed in the Land Use Strategy and Implementation Chapter (pages 94-95) and in the required Zoning Plan (page 106).

b. Condominium Development Regulations – Article 8: In a similar manner to PUD provisions above, the need for updates to the Condominium Development Regulations is discussed in the Master Plan (page 94).

c. Development Process – Article 5, Article 12, Article 13, Article 19: the Master Plan addresses the need to encourage economic opportunities. The Master plan links this principle to MEDC's RRC program and the specific need for clear Zoning regulations and a predictable, efficient development review process (page 75) and Goal 4-A (page 86). When regulations and procedures are unclear or vague, impediments to economic opportunities are evident.

Criteria B: Consistency with the basic intent and purpose of this Zoning Ordinance.

Response: The purposes of the Whitewater Township Zoning Ordinance are described in Section 1.02. The proposed amendments are consistent with all eight purposes. Specifically, the updates to PUD and Condominium Development provisions directly help encourage the use of the Township's lands and resources in accordance with their character and adaptability. These updates also similarly support the purpose of protecting fish and wildlife resources, water quality, scenic and aesthetic qualities, and historical and recreational values. Further, the purpose of promoting the Township's economic progress and protecting and enhancing its property values is supported by the proposed updates to the development – process - related provisions. These updates add clarity to development standards and review procedures, which help avoid arbitrary and inconsistent decision-making.

Criteria E: The conditions have changed since the Zoning Ordinance was adopted or there was an error in the Zoning Ordinance that justifies the amendment.

Response: White there have been about 90 Zoning Amendments since the Zoning Ordinance's original adoption in the 1970's, some provisions have been in place for decades. Many conditions have changed, including the evolution of best land-use practices for Planned Unit Developments and the general increase in growth pressures across the region. Conditions have also changed with regard to the adoption of the recent Master Plan, which articulates a more up-to-date, complete, and comprehensive vision for the future, with recommended regulatory measures needed to achieve community goals.

Criteria F: That the amendment will not be expected to result in exclusionary Zoning.

Response: The proposed amendments are not expected to result in exclusionary consequences or impacts. Proposed improvements to the PUD provisions may in fact reduce the potential for exclusionary impacts by improving the means to facilitate mixed-use development.

ROLL CALL VOTE: Sherman-Y, Stratton-Y, Merchant-Y, Peltonen-Y, Trumbull-Y. Motion carries.

Repeal and Replacement of Article 6 – Corridor Overlay Planned Unit Development District with New Overlay District Named "M-72 Corridor Overlay District" – postponed until July, 2026

PC Discussion: None.

Winery and Cidery Ordinance – update:
Chair Stratton forwarded the draft Ordinance to Mr. Ryan Coffey of the MSUE who is a right-to-farm specialist. Giffels Webster will make revisions for review at the July PC meeting. The draft has also been sent to the Township attorney for legal review.

Review of Short-term Rental (STR) Survey Questions – Draft #4:

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Chair Stratton noted points of clarification from correspondence received from Mr. Chadha which were discussed and relayed to Mr. Bernie Porn of EPIC-MRA, who joined the meeting via Zoom. There was also discussion among the PC and with Mr. Porn regarding additional edits.

Board Action: Mr. Trumbull made a motion to approve the Short-term Rental survey with amendments to Draft #4 as a final version. Ms. Merchant seconded the motion.

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

Chair Stratton stated the telephone survey will commence shortly after receipt of the approved survey questions. She referenced a prior comment from Ms. Zenas and stated she spoke with Mr. Kelley Sullivan of EPIC-MRA regarding the procurement process of phone lists. Mr. Porn also noted they utilize a statewide phone list as well as voter registration records.

There was additional clarification of minor details in the survey, which will be forwarded to Mr. Bernie Porn of EPIC-MRA to execute. This resulted in another motion:

Board Action: Ms. Merchant made a motion accept the Short-term Rental survey with the additional changes adding "Whitewater Township residents" to the final draft. Mr. Sherman seconded the motion.

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

Short-term Rental Timeline Update:
The timeline process was detailed by Mr. Porn regarding the telephone and online survey process. There had been some confusion about the option for residents to respond by paper survey, which will be made available. There was discussion about the availability of in-office staff to exchange a paper survey from postcard notification.

There was additional discussion regarding verbiage and conflicting instructions of the postcard. There was consensus to modify the information for improved clarity and generate a QR code.

NEW BUSINESS: Secretary Peltonen suggested the PC consider the prospect of changing the start times of its Regular Meetings or schedule Special Meetings focused solely on bundle reviews with Giffels Webster. A new bundle review of the Zoning Ordinance is anticipated to commence in September. ZA Graber read aloud the previously determined timeline of Ordinance review activity.

NEXT MEETING: Next Planning Commission Meeting(s):

Special Meeting Wednesday, July 1, 2026, at 6:00 p.m., Township Hall
Public Workshop to discuss the M-72 Overlay District.

Regular Meeting Wednesday, July 1, 2026, at 7:00 p.m., Township Hall

Board Action:
Ms. Stratton made a motion to schedule a Special Meeting/Workshop on the Overlay District on Wednesday, July 1, 2026, from 6:00-7:00 p.m. at the Township Hall. Mr. Trumbull seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

PUBLIC COMMENT:

Ms. Julie Zenas: Appreciated the PC considering the questions she submitted regarding the STR survey. She agrees with Mr. Slopsema's comments and referenced nuisance issues she experiences with nearby STR properties. The ZA's comments surrounding civil infractions are key. She opposes QR codes; if they are used, they must be encrypted to ensure security. Timing of mail receipt is a real issue; she never received the postcard for the 1/26/26 workshop. She appreciates the PC is tackling many large projects and allowing the public's voices to be heard.

Ms. K. Mangus: Inquired how the consultant knew which changes were to be made to the STR survey before a meeting was held. Chair Stratton responded that information was discussed during the meeting. Ms. Mangus is concerned the PC approved amendments this evening that are not entirely legal; i.e., Article 5 verbiage and adopting an entire packet all

together. If this was not noticed in a Public Hearing, it is not a legal change. She encouraged the PC to consult with the attorney to ensure procedural correctness.

PC DISCUSSION / COMMENTS:
Chair Stratton noted if the resident does not have the survey number on their postcard, Mr. Kelley Sullivan of EPIC-MRA has the information. His contact information will be posted in-house and on the Township website.

Civil infractions will be handled by the Township Board, not the Planning Commission. Ms. Stratton will look into the comment made by Ms. Mangus regarding Article 5.

ZA Graber forwarded the revision for the Enforcement section of the Zoning Ordinance which speaks to municipal civil infractions that will be coming before the Planning Commission to Chair Stratton.

CONTINUING EDUCATION:

Citizen Planner Report:
Chair Stratton reported that she, Mr. Trumbull and Vice-chair Merchant have completed the Citizen Planner training. MSUE and MTA have a number of free online courses available; Commissioners should let her know if there are any costs associated with training in which they may wish to participate.

ADJOURNMENT:

Board Action: Ms. Merchant made a motion to adjourn the meeting. Ms. Peltonen seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 8:23 p.m.

Submitted by: Kay Z. Held, Recording Secretary

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WHITEWATER TOWNSHIP

5777 Vinton Road • P.O. Box 159 • Williamsburg, MI 49690 (231)
267-5141 • FAX (231) 267-9020

www.whitewatertownshipmi.gov zoning@whitewatertownshipmi.gov

Zoning Administrator Report
as of June 24, 2026

Planning and Zoning

Eight new permits as of this report.

DATE	ZONE	LU PERMIT #	TAX ID #	OWNER NAME	ADDRESS	PROJECT DESCRIPTION
6/1/2026	C1	2026-26	28-13-900-245-00	PCS Constructors LLC	7960 M72	new sign same pole
6/1/2026	A1	2026-32	28-13-128-012-20	Jensen, Jami - Basset Prop	8550 Sunflower Peak	2 campers - Bldg Home 2025-47
6/11/2026	A1	2026-33	28-13-770-013-00	Hulbert, Donald	5351 Glendenning Trl	12'x16' Acc Structure
6/19/2026	R1	2026-18	28-13-390-008-00	Weiss, Chris	560 Island View Dr	after the fact - Sauna; stairs old proj
6/19/2026	R1	2026-34	28-13-390-008-00	Weiss, Chris	560 Island View Dr	after the fact - deck, stairs new proj started
6/22/2026	A1	2026-35	28-13-002-002-03	Turner, Angela	5849 Mabel Rd	Temp Camping Permit
6/22/2026	R1	2026-36	28-13-270-001-00	Gleason, Scott/Tina	9200 Angell Rd	ESCROW FOR 2nd Home Removal
6/22/2026	R1	2026-36	28-13-270-001-00	Gleason, Scott/Tina	9200 Angell Rd	addition to main house

Land Division - One land division is pending.

Zoning Board of Appeals – None

Code Enforcement Complaints Closed

ZONE	COMPLAINT	OWNER NAME	ADDRESS	ISSUE	
RC1	2026042702	Irish Heintzelman, Brenda	4707 Moore Road	Blight/Trash/Unsafe for Children	CLOSED; unable to validate;
V	2026060401	Hi Pray Park - Tennis Courts	8373 Old M72	noise in park on tennis courts;	Noise is handled by Sheriff's
A1	2026060901	Industrial District	Crisp Road	Complaint about noise from AIS at 5:30 a.m.	CLOSED; unable to validate

Additional Items:

Heidisch jury trial set for 5/28/2026, was adjourned/delayed on 5/27/2026; no new trial date set as of 6/17/2026.

Submitted revised land use permit application changes to gain compliance with the Michigan Zoning Enabling Act. Removing requirement of taxes being paid prior to gaining an approved permit.

Several concerns have arrived regarding garbage, bears, squatters on State Land, trash on side of the road, trespassing, easement issues, property line disputes, short-term rentals, noise, lighting, construction without permits, etc. The zoning ordinances address some of these, but not all.

Please note all noise complaints should be addressed with the Grand Traverse Sheriff's Department. The noise ordinance, General Ordinance #39 is located on the township website.

Several properties have received final inspections reported to Grand Traverse County Building Codes.

The Building Codes department has a couple of violations in Whitewater Township. We are working together to bring the properties into compliance. One is located on Broomhead Road and one is on Elk Lake Trail.

Attended a meeting with Groundwork Center for Resilient Communities in Traverse City on June 15th. Lots of discussion about solar farms and solar energy. Shared the information with the Planning Commission and Township Board Members.

Attended a webinar from FSBR – Prosecutorial Discretion vs Selective Enforcement on June 23. Also attended an EGLE webinar on June 24 on Construction Processes.

Sincerely,

Deb Graber
Whitewater Township, Zoning Administrator

To	*Whitewater Township Board*
From	Rene Stratton, Chairperson, Whitewater Township Planning Commission
Date	June 4, 2026
Re	ZOA Case #2026-03

ZOA 2026-03:

- 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.
- Amendments to Article 5 – relocation of site-specific standards for major home occupations, sexually oriented businesses, bed and breakfast establishments, and commercial campgrounds from Article 13 to Section 5

At the June 3, 2026 Planning Commission special meeting, the Commission made a motion to recommend the above zoning amendments to the Township Board for approval based on findings of fact. At the close of the deliberations the Planning Commission approved a motion that ZOA Case #2026- 03 be recommended for approval to the Whitewater Township Board.

The amendment to Article 5 of the Zoning Ordinance (relocation of use-specific standards from Article 13.17C to Article 5) was part of the consultant's packet and was discussed at the Public Hearing held on May 6th however it was omitted from the public notice for the May public hearing as well as the agenda for the June 3rd meeting and therefore should not have been included in the motion upon which the PC voted.

After discussion today with Giffels-Webster, Deb Graber and myself, the plan is for the PC to amend the motion at the July 1st meeting removing the Article 5 amendment from the motion as well as the portion of Article 13 that was being moved into Article 5. After PC discussion, the PC will vote on this amended motion ZOA #2026-03 if they are ready at this meeting.

The Article 5 Amendment will be considered as a separate amendment to the Zoning Ordinance with a public hearing scheduled for the August PC meeting.

Please see the Giffels-Webster Memo attached to this memo for more detail.

memorandum

DATE: June 4, 2026

TO: Rene Stratton, Whitewater Township Planning Commission Chairperson

CC: Randy Mielnik, Township Trustee; Deb Graber, Zoning Administrator

FROM: Andy Aamodt, Giffels Webster

SUBJECT: 'Bundle 1' Zoning Ordinance Text Amendment – Reorganization of Section 13.17 into Article 5

Summary

At the June 3, 2026 Planning Commission meeting, Planning Commission made a motion to recommend the Township Board adopt a set of zoning text amendments pertaining to Article 2, Article 7, Article 8, Article 12, Article 13, and Article 19 (also known as "Bundle 1"). During public comment before meeting adjournment, a member of the public took issue to the fact that the Planning Commission's motion to recommend Township Board adoption of the Bundle 1 zoning text amendments included a portion of zoning text (reorganization of Section 13.17 *Additional Conditions of Special Uses* into separate Article 5 sections) that was not expressly identified in the original public hearing notice.

The timeline of this process is covered as follows:

- **May 6, 2026 meeting**: Planning Commission held the public hearing; at least 15 days prior to the meeting the public hearing was duly noticed to the public regarding these draft zoning amendments to Articles 2, 7, 8, 12, 13, and 19. During this public hearing, the public commented about the development process portion of the text (Articles 12, 13, and 19) being historically complicated and a preference that Article 13.17 be separated into different articles for clarity. Planning Commission then discussed this comment, and agreed that Section 13.17 should be reorganized into separate sections within Article 5. Planning Commission did not make a motion to recommend Township Board adoption of the Bundle 1 amendments at this May meeting, instead opted for minor revisions to be made and re-reviewed at the June meeting.
- **Revisions to the draft zoning text amendments**: We (Giffels Webster) revised the draft zoning text amendments in accordance with Planning Commission's suggestions at the May meeting. The material was then published in the June Planning Commission packet and made available to the public online and at Township Hall.
- **June 3, 2026 meeting**: Planning Commission made a motion to recommend Township Board adoption of the Bundle 1 zoning text amendments. This was made as one motion.

Recommended Next Steps

While the above process was clearly documented, deliberated on, and acted on in public meetings; the point of concern is that Article 5 was not expressly identified in the public hearing notice published for the May 6 public hearing. While the Township Zoning Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006; also known as the "MZEA") are both silent on the extent of latitude Planning Commission has for revising an amendment *after* the public hearing is held, we recommend that to exercise caution this zoning text amendment package not be considered yet by the Township Board and

that the Planning Commission re-visit this action at their July meeting. At the July meeting, we recommend the following:

- Planning Commission separate this ‘Section 13.17 reorganization into Article 5’ zoning amendment from the general Bundle 1 zoning text amendment package.
- Planning Commission may move to set the public hearing for this ‘Section 13.17 reorganization into Article 5’ for the August Planning Commission meeting.
- Planning Commission may then decide to again move to recommend Township Board approval of the remaining Bundle 1 zoning text amendments.

We are available for any assistance pertaining to this matter.

memorandum

DATE: June 18, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

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

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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.
- **May 6, 2026 (Public Hearing)** – The Planning Commission held the public hearing. After the public hearing, Planning Commission did not suggest making any changes, therefore the text attached is the same text from that May meeting.

- **June 3, 2026** – Planning Commission moved to recommend Township Board adoption of this set of amendments. However, the Township Board will not yet consider this set of amendments. Please see the Bundle 1.C. Development Process memo for more details.

No changes have been made to the text since June 3 meeting. For the purpose of clarity, we are renaming this Bundle 1 amendment "**Bundle 1.A**."

Next Steps

Planning Commission may move to recommend Township Board adoption of the amendment.

Proposed Text Amendment

ARTICLE 8 - CONDOMINIMUM 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: June 18, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.B. 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.
- **May 6, 2026 (Public Hearing)** – The Planning Commission held the public hearing. After the public hearing, Planning Commission suggested minor changes, including: clarifying in 7.02 that conventional development isn't discouraged overall, however is discouraged when it could detract from the Township's rural character and natural features; deleting pedestrian-oriented design as a qualifying criteria in 7.04; and correcting a typo.
- **June 3, 2026** – Planning Commission moved to recommend Township Board adoption of this set of amendments. However, the Township Board will not yet consider this set of amendments. Please see the Bundle 1.C. Development Process memo for more details.

No changes have been made to the text since June 3 meeting. For the purpose of clarity, we are renaming this Bundle 1 amendment "**Bundle 1.B**."

Next Steps

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. No formal action is needed from the Planning Commission on this.

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 conventional development in instances 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. Enhancement of the aesthetic appearance of the township through high-quality building design and site development beyond the site plan requirements of this chapter
7. Extensive landscaping beyond the site plan requirements of this chapter
8. Preservation or restoration of historic resources
9. Provision of open space or public plazas or features
10. 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

11. 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
12. Shared vehicular access between properties or uses
13. 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)
14. 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
15. 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
16. Innovation in land use, form of ownership, and variety in design, layout, and type of structures constructed
17. 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 many 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 Township'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: June 18, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.C. Development Process Memo and Text Amendment

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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.

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.
- **May 6, 2026 (Public Hearing)** – The Planning Commission held the public hearing. After the public hearing, Planning Commission suggested minor changes, including:
  - Clarify in 12.02.A that this should exempt the accessory structures of 1,200 square feet or smaller.
  - Delete the text of 13.14 that refers to requesting continuation of a special use permit and the technical details surround a security (performance guarantee). These should be the property owners' responsibilities in changing hands, it should not be the zoning administrator's responsibility.
  - Move the use-specific standards of bed and breakfast establishments, sexually oriented businesses, major home occupations, and commercial campgrounds from buried within Article 13 (special uses) and place in Article 5 (supplemental development standards and provisions) as new sections. Planning Commission agreed to simply move this text for now, but to study it for potential amendments in a future bundle. Note that the standards for major home occupations (13.17.C) will move to Section 5.09 which is the current home occupation section.
- **June 3, 2026** – After the edits suggested by the Planning Commission in May were made, Planning Commission moved to recommend Township Board adoption of this set of amendments. However, the Township Board will not yet consider this set of amendments. Article 5 was not expressly identified in the public hearing notice published for the May 6 public hearing, and while the Township Zoning Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006; also known as the "MZEA") are both silent on the extent of latitude Planning Commission has for revising an amendment *after* the public hearing is held, the Township decided to hold the amendment from Township Board's action. This also gives the ability to add additional language to this Article 5 reorganization to clarify how the standards apply to all such uses – both uses permitted by right and special land uses.

Therefore, Planning Commission shall now again review this Bundle 1 Development Process amendment at this July 1 meeting. For the purpose of clarity, we are renaming this Bundle 1 amendment "**Bundle 1.C**." Section 13.17 is removed from this precise Bundle amendment and will be considered separately, as a public hearing for that amendment will be required.

Next Steps

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."

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 or an accessory use or building not containing more than 1,200 square feet in area.

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 of 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 [New Section]

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.

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.

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: June 18, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.D. Reorganization of Use-Specific Requirements into Article 5

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. In the past nine months, we have reviewed 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. During this review, we noticed that Section 13.17 should be reorganized into Article 5 so that these requirements can apply for all such uses, and not have these standards buried discretely within the special uses article. Also, formatting-wise, the current ordinance contains bullet-points and symbols instead of codified numbered or lettered lists, so we are cleaning up the format in this amendment.

Three details within the text that we did modify were the following:

- We deleted the existing Section 13.17.C.7. which states “[t]he occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15.” Planning Commission had discussed this in previous meetings and desired this to be deleted.
- We deleted the existing Section 13.17.D.3. which states “[p]ermanent cabins.” This was clearly a typo that has remained in the ordinance and should be deleted without any policy discussion.
- We also added an introductory lead-in statement to each of the sections that clarifies that these standards are applied to all such uses, whether permitted by right or by special land use. We did not modify any other text within these sections, just reorganized.

Amendment History

- **May 6, 2026 (Public Hearing)** – The Planning Commission held the public hearing on Articles 12, 13, 19. During that public hearing, a member of the public stated a preference that Article 13.17 be separated into different articles for clarity. After the public hearing, Planning Commission suggested to move the use-specific standards of bed and breakfast establishments, sexually oriented businesses, major home occupations, and commercial campgrounds from buried within Article 13 (special uses) and place in Article 5 (supplemental development standards and provisions) as new sections. Planning Commission agreed to simply move this text for now, but to study it for potential amendments in a future bundle. Note that the standards for major home occupations (13.17.C) will move to Section 5.09 which is the current home occupation section.

- **June 3, 2026** – After the edits suggested by the Planning Commission in May were made, Planning Commission moved to recommend Township Board adoption a set of Bundle 1 amendments. However, because Article 5 was not expressly identified in the public hearing notice (for the May public hearing), the Township Board will not yet consider this set of amendments.

We are distinguishing this specific reorganization amendment from the other Bundle 1 amendments. Planning Commission should discuss this at this July 1 meeting. For the purpose of clarity, we are naming this amendment "**Bundle 1.D**."

Next Steps

Planning Commission may move to set a public hearing on this Bundle 1.D. amendment.

Proposed Text Amendment

ARTICLE 5 – SUPPLEMENTAL DEVELOPMENT STANDARDS AND PROVISIONS

[Amend existing section 5.09, and add sections 5.13 through 5.15]

5.09 HOME OCCUPATIONS [Amend Existing Section]

Home occupations shall be divided into two classes: minor and major home occupations. Such uses, whether permitted by right or by special use as applicable, shall comply with the requirements as follows:

A. Minor home occupations shall be conducted entirely within a residence, must be operated by the occupants of the residence and there shall be no visible external evidence of the occupation. This type of occupation shall not require permitting from the Township. Examples - internet sales, accountants, artists, engineers, medical marijuana caregivers, private teachers/tutors, authors, wedding planners and similar uses.

B. Major home occupations can be conducted within the residence and/or an accessory building located on the property. Signage shall be allowed on site and non-resident employees may be allowed. Examples may include hairdressers, retail shops (including antiques and gifts), and similar uses as determined by the Planning Commission. Further, this type of home occupation shall require a special use permit from the Planning Commission and meet the special conditions listed in Article 13 and meet the standards below:

    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.

C. 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.

5.13 BED AND BREAKFAST ESTABLISHMENTS [New Section]

All bed and breakfasts, whether permitted by right or by special use as applicable, shall comply with the following requirements:

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

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

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

1) The minimum lot size shall be one (1) acre.

2) 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.

3) 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.

4) Such Bed and Breakfast Establishments shall not be located less than fifteen hundred (1500) feet apart.

5) The residence shall be the principal dwelling unit on the property and shall be owner occupied at all times.

6) The residence shall have at least two (2) exits to the outdoors.

7) Not more than three (3) sleeping rooms in the residence may be used for rental purposes.

8) Not more than eight (8) overnight guests may be accommodated at any time.

9) The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.

10) 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.

11) 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.

12) The Planning Commission shall require that a floor plan drawn to an architectural scale of not less that 1/8 inch = 1 foot be on file with the Fire Department.

13) 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.

14) The length of stay for each guest shall not exceed seven (7) days within any thirty (30) day period.

15) 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.

16) Rental of snowmobiles, ATVs or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

17) 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.

5.14 SEXUALLY ORIENTED BUSINESSES [New Section]

All sexually oriented businesses, whether permitted by right or by special use as applicable, shall comply with the following requirements:

A. 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.

1) 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.

2) 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.

3) 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.

4) 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.

5) 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.

B. 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.

C. SPECIAL LAND USE PERMIT REQUIREMENTS: In addition to the requirement for Site Plan Review Article 12.

1) It shall be unlawful for a person to operate a sexually oriented business without a valid Special Use Permit issued by the Planning Commission.

2) 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.

3) 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:
    a. 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.
    b. The name, street address, and mailing address, if different, of the owner(s), if different.
    c. The name under which the establishment is to be operated and a general description of the services to be provided.
    d. The telephone number of the establishment or, if unavailable, the applicant's.
    e. The address and legal description of the tract of land on which the establishment is to be located.
4) All information necessary to answer the requirements in subsection 4 below.
5) 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.
6) The application shall be accompanied by the following:
    a. Payment of the application fee in full;
    b. 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;
    c. 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.
    d. 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.
    e. 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.
7) The application shall contain a notarized statement under oath that:
    a. 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
    b. The applicant has read the provisions of Article 12 (Site Plan Review).

D. ISSUANCE OF PERMIT:

1) 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:

a. An applicant is under eighteen (18) years of age.

b. 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.

c. 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.

d. 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.

e. The permit fee required by this Ordinance has not been paid.

f. The proposed establishment is in violation of or is not in compliance with any of the provisions of the Whitewater Township Zoning Ordinance.

g. An applicant has been convicted of any of the following criminal offenses in any jurisdiction:

i. prostitution, procuring a prostitute, or solicitation of a prostitute;

ii. sale, distribution or display of obscene material;

iii. soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;

iv. possession, sale or distribution of child pornography;

v. public lewdness;

vi. indecent exposure;

vii. indecent conduct with a child;

viii. sexual assault or rape;

ix. incest;

x. sexual solicitation of a child.

xi. 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.

2) 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.

3) 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.

4) 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.

5) 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.

E. 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.

F. 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.

G. 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:

1) A permittee gave false or materially misleading information in the application process.

2) A permittee has been convicted of using and/or allowing the use of controlled substances within the establishment.

3) A permittee has been convicted of prostitution or other activity fostering, promoting or otherwise facilitation prostitution, within the establishment or elsewhere.

4) 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.

5) A permittee has been convicted of knowingly allowing a person under eighteen (18) years of age to enter the establishment.

6) There has been a transfer of ownership or control of an establishment without the prior consent of the Planning Commission, as required herein.

H. 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.

I. Location Restrictions:

1) A sexually oriented business may not be operated within 750 feet of:

a. a church, synagogue or regular place of religious worship;

b. a public or private elementary or secondary school;

c. a boundary of any residential zoned district or any residential structure within or without a zoned area;

d. a boundary of a public park;

e. a boundary of a licensed day-care center; and/or

f. another sexually oriented business.

2) A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.

3) 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.

4) 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.

J. Regulations Pertaining to Adult Entertainment Establishments:

1) 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.

a. 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.

b. The application shall be sworn to be true and correct by the applicant.

c. No alteration in the configuration or location of a manager's station may be made without the prior approval the Township Zoning Administrator.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

i. The premises shall meet all barrier free requirements and building code requirements imposed by the County Building and Inspections Department.

K. Exterior Portions of Sexually Oriented Businesses:

1) 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.

2) 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.

3) 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, 2drawings, or pictorial representations of any type.

4) 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.

5) A sexually oriented business may not have outside speakers on the exterior of any buildings or anywhere on the outside of their property.

L. Persons Younger Than Eighteen Prohibited from Entry- Attendant Required:

1) 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.

2) 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:

a. a valid operator's commercial operator's or chauffeur's license; or

b. a valid personal identification certificate reflecting that such person is eighteen (18) years of age or older.

3) 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.

M. General And Specific Requirements:

1) 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:

    a. that the applicant has met all the requirements for Article 12 (Site Plan Review) which pertain to one’s application.

    b. that all required information has been provided.

    c. That the proposed use conforms to all specific density and setback regulations, etc. of the zoning district and this Article.

    d. 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.

    e. That the submitted Landscape Plan complies with this Ordinance.

    f. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.

    g. 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.

2) 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:

    a. Hours of operation shall be limited to 10:00 a.m. to 2:00 a.m.

    b. 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.

    c. 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.

    d. 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.

    e. 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.

N. 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:

1) by a proprietary school, licensed by the State of Michigan, a college, junior college, or university supported entirely or partly by taxation;

2) 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.

O. NOTICES:

1) Any notice required or permitted to be given by the Township or other agency under t his Ordinance to any applicant, operator or owner of an establishment may be given either by prepaid, return receipt requested, addressed to the most recent

2) 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.

3) 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.

4) 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.

P. 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.

5.15 COMMERCIAL CAMPGROUNDS [New Section]

All commercial campgrounds, whether permitted by right or by special use as applicable, shall comply with the following requirements:

A. Commercial campgrounds shall only be allowed on parcels of 40 acres or greater.

B. All requirements of Public Act 368 of 1978 regulating Campgrounds shall be met.

C. 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).

D. The campground shall have access to an all season road, either public or private.

E. All campgrounds shall be designed to blend in with the surrounding environment to the greatest possible extent. Buffers or screening may be required.

F. Internal road systems shall be a minimum of 20’ travel width.

G. 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.

H. Campsites or structures may be rented by the day, week or an indefinite period of time.

I. No structures or campsites shall be located within 100 feet of a property line.

J. Accessory/service buildings such as storage facilities, restrooms, kitchens, pavilions, etc. shall be allowed.

K. Recreational elements shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.

L. 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:

    1) The total number of campsites, cabins and accessory buildings proposed.

    2) The maximum permitted duration of residency.

    3) Policies and enforcement procedures to deal with noise, rowdy behavior and similar nuisance activities.

    4) The hours and seasons the campground will operate.

    5) Disclosure of all recreational elements.

M. Campground cabins shall not exceed 650 square feet of floor area, including covered porches.

ARTICLE 13 - SPECIAL USES

[Delete the following section]

~~**13.17 ADDITIONAL CONDITIONS OF SPECIAL USES.**~~

ARTICLE 5 - SUPPLEMENTAL DEVELOPMENT STANDARDS AND PROVISIONS

5.01 ESSENTIAL PUBLIC SERVICES, OPERATIONS

Utilities and public services shall continue to be operated and maintained subject to the provisions of this Ordinance excepting that poles, wires and usual underground utilities shall be excepted from the requirements of this Ordinance and may be installed without a land use permit and without compliance with setback requirements; provided, however, that nothing herein contained shall abrogate the necessity of any utility to obtain franchises and comply with the provisions of any other law or ordinance and nothing herein contained shall give any utility or municipality the right to install structures in this Township without compliance with the terms of this Ordinance excepting as otherwise provided in this Article.

5.02 SHARED WATERFRONT EASEMENTS.

In the event that a waterfront property is used for shared easement purposes the following conditions shall apply:

A. A waterfront property accessed by one off-water dwelling unit shall have a minimum of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet.

B. Where a waterfront property is accessed by more than one off-water dwelling unit, an additional fifty (50) feet of continuous frontage on the water is required for each additional off-water dwelling unit accessing the property.

5.03 SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

The following special requirements shall apply to all properties within fifty (50) feet of the Boardman River and its tributaries.

A. A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:

1) Vegetative strips shall consist of native trees, shrubs, vegetation and other natural materials.
2) Existing native vegetation should be preserved whenever possible.
3) No ponds shall be constructed, no earth moved, surface soils removed or filled for building within the managed vegetative strip.
4) Utility lines shall be installed only as follows:
   a. New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment.
   b. Brushy vegetation shall be restored to the disturbed area in the managed vegetation strip.
   c. Local service lines to private dwellings shall originate from the landward side of the dwelling.
5) Chemical control of vegetation shall be prohibited within the managed vegetative strip.
6) Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.
7) The use of the managed vegetative strip for stock watering areas and stream crossing of horseback trails is subject to the approval of the Zoning Administrator, who may require a plan from the Soil Conservation District, or Department of Environment, Great Lakes & Energy (EGLE) as part of the requirement for use.

B. Any variance from these standards shall be in accordance with a plan approved by the Zoning Board of Appeals. In evaluating such applications, the Zoning Board of Appeals shall consider all relevant factors pertaining to the purpose of the vegetative strip which is to:

1) Stabilize the river banks.
2) Prevent erosion.
3) Absorb nutrients in water runoff from adjacent lands.

4) Provide shading for the stream to maintain cool water temperature.
5) Screen adjacent man-made structures.

5.04 TRI-COUNTY HEALTH ORDINANCE

Compliance shall be had in all land uses and in all structures erected, altered, or moved upon a premise with all provisions of the County Health Ordinance in force in Grand Traverse County entitled "Sanitary Code of Minimum Standards Regulating Sewage Disposal, Water Supplies and Sanitation of Habitable Buildings in Grand Traverse County Michigan" as the same may be amended from time to time, and violation of any provision of that Ordinance shall constitute a violation of this Ordinance.

5.05 OUTDOOR STORAGE

No land in any of the foregoing districts shall be used in whole or in part for the storage of unused or discarded equipment or materials, or for the storage of unlicensed cars, salvage, waste and Junk outside of properly authorized buildings within said districts, except as required for the storage of usable farm machinery necessary for permitted agricultural uses and except as permitted in connection with a use otherwise authorized in the Commercial and Industrial Districts.

5.06 TEMPORARY BUILDINGS AND USES

A. **Permitted Temporary Buildings and Uses**. The following buildings and uses are permitted subject to meeting all of the following requirements of this Section:

1) Temporary Dwellings. No temporary dwelling shall be erected or moved onto a lot and used for dwelling purposes except during construction of a permanent dwelling on the premises which has been issued a building permit and conforms to the following:
   a. The residence under construction shall conform to all other Township Ordinances.
   b. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not exceed ninety (90) days from the date of occupancy of the permanent structure.
   c. The temporary dwelling shall be connected to a water supply and sewage disposal system approved by the Grand Traverse County Environmental Health Department.
   d. The applicant for a temporary dwelling permit shall complete the "Temporary Dwelling Agreement" as adopted by the Township Board.

2) Temporary Use of an Existing Residence during Construction of New Residence. A property owner may utilize an existing residence while building a new home on the same parcel of land when conforming with the following:
   a. The residence under construction shall conform to all other Township Ordinances.
   b. The reasonable date for removal of the temporary dwelling, established on the permit issued by the Zoning Administrator, shall not exceed ninety (90) days from the date of occupancy of the permanent structure.
   c. The applicant for a temporary dwelling permit shall complete the "Temporary Dwelling Agreement for the use of Existing Homes" as adopted by the Township Board.

3) Temporary Camping. A property owner shall be entitled to a camping permit for temporary recreational use when conforming with the following:
   a. The structure shall not be permanently connected to a water supply, electrical supply, septic system, natural gas supply, nor permanently attached to a foundation.
   b. No "gray water" or sewage shall be drained or dumped from the structure, except into such collection vehicles, or septic disposal systems as may be approved by the Grand Traverse County Environmental Health Department.
   c. The maximum duration of stay shall not exceed one hundred and twenty (120) days per year.
   d. All camping activities shall be kept 50 feet from the ordinary high water mark.
   e. Camping activities shall not be a nuisance to surrounding property.

4) Temporary Construction Structures. Temporary structures used for storage of equipment and construction offices may be used only during the construction of a permanent structure(s) which has been issued a building permit. The temporary structures shall be removed from the site prior to the issuance of a certificate of occupancy.

5) Special Events and Other Temporary Uses. The Township Zoning Administrator may grant temporary use of land and structures for special events and other temporary uses as listed below:
   a. Carnival, Circus and Musical Concert or other Transient Entertainment or
   b. Recreational Enterprise
   c. Sidewalk or Tent Sale or other Similar Outdoor Sale
   d. Other Special Events as deemed similar by the Zoning Administrator.

B. **Temporary Building or Use Permit.** A temporary building or use shall require issuance of a land use permit from the Zoning Administrator under Article 19 of this Ordinance. The Zoning Administrator shall make a determination that the location of a temporary building or use will not adversely affect adjoining properties, not adversely affect the public health, safety, and the general welfare of the Township. The permit shall set forth all conditions to be placed and may require a fee as established by the Township Board.

C. **Performance Guarantee**. The Township may require a deposit by the applicant in the form of a certified check, cash or letter of credit in an amount sufficient to hold the Township free of all liabilities incident to the operation of a temporary building or use, to indemnify any adjoining land owner for any damages resulting from the operation of such activity and to ensure proper cleanup after the temporary use and removal of all temporary structures. The amount of the guarantee shall be estimated by the Zoning Administrator. The Township shall rebate to the applicant upon satisfactory removal of all temporary uses and structures.

5.07 RAISING AND KEEPING OF ANIMALS

A. The keeping of domestic animals shall be allowed provided that the animals are maintained so as to not constitute a public nuisance. Dogs shall be limited to three (3).

B. The keeping of livestock, including horses and poultry shall be allowed provided that the same are kept on a parcel of land of not less than two and one-half (2 1\2) acres and provided further that all livestock and poultry be properly housed and fenced so as not to be a public nuisance and provided that no enclosure or space for the permanent housing of livestock or poultry shall be located nearer than one hundred (100) feet from any adjoining property line or highway right-of-way.

C. The keeping of female poultry and rabbits is permitted on parcels of land less than two and one-half (2 ½) acres provided that the female poultry is properly housed and adequately contained within the property so as not to be a public nuisance and provided that no enclosure or space for permanent housing shall be located nearer than forty (40) feet from any adjoining property line or highway right-of-way.

5.08 DOG KENNELS

A. Dog kennels shall be subject to the following conditions: The parcel of land upon which such activity is conducted shall be no less that ten (10) acres in area.

B. All enclosures for breeding, rearing, shelter or other uses in conjunction with the harboring of dogs, shall be hard surfaces and provide proper drains for washing with water pressure.

C. All breeding areas, runs and shelter areas shall not be located nearer than two hundred (200) feet from any adjoining property line or highway right-of-way.

D. The entire facility including breeding areas, shelters and runs shall be enclosed by a visual screen or sound reducing wall or fence six (6) feet in height.

5.09 HOME OCCUPATIONS

Home Occupations shall be divided into 2 classes: Minor and Major Home Occupations.

A. Minor Home Occupations shall be conducted entirely within a residence, must be operated by the occupants of the residence and there shall be no visible external evidence of the occupation. This type of occupation shall not require permitting from the Township. Examples - Internet Sales, Accountants, Artists, Engineers, Medical Marijuana Caregivers, Private Teachers/Tutors, Authors, Wedding Planners and similar uses.

B. Major Home Occupations can be conducted within the residence and/or an accessory building

located on the property. Signage shall be allowed on site and non-resident employees may be allowed. Further, this type of occupation shall require a special use permit from the Planning Commission and meet the special conditions listed in Article 13, and specifically Section 13.17, C. Examples - Hairdresser, Retail Shops (including antiques and gifts) and similar uses as determined by the Planning Commission.

5.10 FARMING RRAND AGRICULTURAL ACTIVITIES IN THE A-1 ZONE

Farming and agricultural activities are permitted in the A-1 Zone subject to the following limitations.

A. **Farming:** Farming of all types, including the construction and maintenance of migrant worker's quarters, provided that yard requirements are met and provided further, that no enclosure or space for the permanent housing of livestock, poultry or other animals shall be located less than one hundred (100) feet from any adjoining property line, nor less than one hundred (100) feet from any highway right-of-way.

B. **Riding Academies and Stables:** Riding academies and stables, veterinarian hospitals and kennels, provided that no enclosure or space for the permanent housing of animals shall be located less than one hundred (100) feet from any adjoining property line, nor less than one hundred (100) feet from any highway right-of-way.

C. **Roadside Stands:** Roadside stands for the sale of fresh or processed fruits and vegetables, grown or produced on said property, provided that the same shall not be closer than twelve (12) feet to any highway right-of-way.

D. **Agricultural Dumps**: The Planning Commission may permit agricultural dumps when the same are in a land area of not less than twenty (20) acres and are located at least three hundred (300) from the nearest lot line and at least one hundred (100) feet from the nearest right-of-way line and provided that they are utilized only for junk or refuse of the owner and from farming activities and provided that the Planning Commission shall impose as one of the conditions of usage that no bulky items be deposited in said dump.

5.11 PRIVATE FAMILY CAMPGROUNDS

A. Private family campgrounds are intended to allow owners to utilize their property for the purpose of temporary but reoccurring recreational uses. The private campground may consist of temporary and/or permanent structures and shall meet the following conditions:

1) The property shall contain a minimum of 10 acres.
2) Cabins shall be limited to one per 5 acres.
3) Campground cabins shall not exceed 650 square feet of floor area, including covered porches.
4) Permanent camping pads shall be allowed at a rate of one per 2 acres.
5) Each cabin or pad shall be provided water and sanitary service approved by the Grand Traverse County Health Department.
6) No structures or pads shall be located within 50 feet of a property line.
7) An accessory/service building for storage, cooking, etc. shall be allowed provided that the building does not exceed 1200 square feet.
8) A pavilion up to 400 square feet shall be allowed.
9) Permanent residency is prohibited on the property.
10) Recreational elements shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
11) The campground or portions thereof shall not be rented or offered to the public.
12) A document shall be filed with the Grand Traverse County Register of Deeds stating the conditions and limitations of the site plan by the property owner.

5.12 FENCES, RESIDENTIAL STANDARDS:

A. Fences shall have the finished side facing outward away from the property in which it is located.

B. No fence shall be erected within the 50-foot setback of any lakes, rivers, streams.

C. Fences shall not exceed a height of 6 feet.

D. Prohibited fences include barbed wire, electric charges, or fences with sharp materials located on

top.

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 according to the procedures authorized by this Article for approval of a condominium development.

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, conditions and required security 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. The Zoning Administrator shall contact the new property owner to see if they wish to continue the authorized special use permit by providing the security requirement. Upon the new property owner providing the Township the required security or an affirmative statement they wish to rescind the special use permit, the Zoning Administrator shall return the required security provided by the original property owner to the original property owner.

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.

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 (l) year. Notice of the expiration shall be given to the property owner in writing.

E. If the construction or use has not commenced and proceeded meaningfully toward completion within one (1) year of issuance, the special use permit.

13.16 VIOLATION OF SPECIAL USE PERMIT

Any violation of the terms, conditions or limitations of a special use permit shall be cause for revocation or suspension of the special use permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any special use permit. The act to revoke or suspend the special use permit shall occur after giving notice to the permit holder, specifying the violation(s) alleged to exist and when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the special use permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit the Zoning Administrator shall make a finding that a material violation of the special use permit exists and shall provide written notice to the applicant and the landowner of record, if different parties. The permit holder shall be given a reasonable opportunity to correct the violation(s).

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 that 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.

Note -

3) **SPECIAL LAND USE PERMIT REQUIREMENTS**: In addition to the requirement for Site Plan Review Article 12.
   - It shall be unlawful for a person to operate a sexually oriented business without a valid Special Use Permit issued by the Planning Commission.
   - 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.
   - 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:
     - 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.
     - The name, street address, and mailing address, if different, of the owner(s), if different.
     - The name under which the establishment is to be operated and a general description of the services to be provided.
     - The telephone number of the establishment or, if unavailable, the applicant's.
     - The address and legal description of the tract of land on which the establishment is to be located.
   - All information necessary to answer the requirements in subsection 4 below.
   - 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.
   - The application shall be accompanied by the following:
     - Payment of the application fee in full;
     - 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;
     - 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.
    - 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.
    - 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.
- The application shall contain a notarized statement under oath that:
    - 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
    - The applicant has read the provisions of Article 12 (Site Plan Review).

4) ISSUANCE OF PERMIT:

- 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:
    - An applicant is under eighteen (18) years of age.
    - 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.
    - 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.
    - 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.
    - The permit fee required by this Ordinance has not been paid.
    - The proposed establishment is in violation of or is not in compliance with any of the provisions of the Whitewater Township Zoning Ordinance.
    - An applicant has been convicted of any of the following criminal offenses in any jurisdiction:
        - prostitution, procuring a prostitute, or solicitation of a prostitute;
        - sale, distribution or display of obscene material;
        - soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
        - possession, sale or distribution of child pornography;
        - public lewdness;
        - indecent exposure;
        - indecent conduct with a child;
        - sexual assault or rape;
        - incest;
        - 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.

- 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.
- 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.
- 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.

- 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:
    1. a church, synagogue or regular place of religious worship;
    2. a public or private elementary or secondary school;
    3. a boundary of any residential zoned district or any residential structure within or without a zoned area;
    4. a boundary of a public park;
    5. a boundary of a licensed day-care center; and/or
    6. 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.

- 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.
- The application shall be sworn to be true and correct by the applicant.
- No alteration in the configuration or location of a manager's station may be made without the prior approval the Township Zoning Administrator.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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, 2drawings, 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:
      - a valid operator's commercial operator's or chauffeur's license; or
      - 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:
      - that the applicant has met all the requirements for Article 12 (Site Plan Review) which pertain to one's application.
      - that all required information has been provided.
      - That the proposed use conforms to all specific density and setback regulations, etc. of the zoning district and this Article.
      - 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.
      - That the submitted Landscape Plan complies with this Ordinance.
      - That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
      - 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:
      - Hours of operation shall be limited to 10:00 a.m. to 2:00 a.m.
      - 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.
      - 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.
      - 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.
      - 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 t his 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.
7) The occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15.

   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:
    - The total number of campsites, cabins and accessory buildings proposed.
    - The maximum permitted duration of residency.
    - Policies and enforcement procedures to deal with noise, rowdy behavior and similar nuisance activities.
    - The hours and seasons the campground will operate.
    - Disclosure of all recreational elements.
14) Campground cabins shall not exceed 650 square feet of floor area, including covered porches.

memorandum

DATE: June 23, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.E. 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.

As this amendment has progressed, Planning Commission's intention has been to treat this as more of a true zoning overlay, not a PUD. As is the case for all new zoning requirements, it is important to remember that overlay requirements like this will only apply when triggered by certain site changes/ site development; they do not apply retroactively to existing properties in operation as they have been.

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.
- **May 6 and June 3, 2026** – The public hearing for the text was held at the May meeting. After consideration of the fact that this amendment will inevitably require changes to the zoning map (rezonings), Planning Commission did not send this text amendment to the Township Board yet. Planning Commission paused this text amendment for the purpose of conducting community outreach to the four property owners currently zoned COPUD as well as all property owners within the proposed M-72 overlay. Only typos within the draft text have been fixed since the draft presented in May. Please see the map on the following page showing how these rezonings may conceptually look.

The public workshop on July 1st at 6:00 pm will cover this COPUD/M-72 Overlay topic.

Policy Impacts of Proposed M-72 Overlay

Please see the attached comparison chart which shows the existing COPUD language versus the proposed M-72 Overlay language. We would like Planning Commission to consider a few important questions at this July meeting, including:

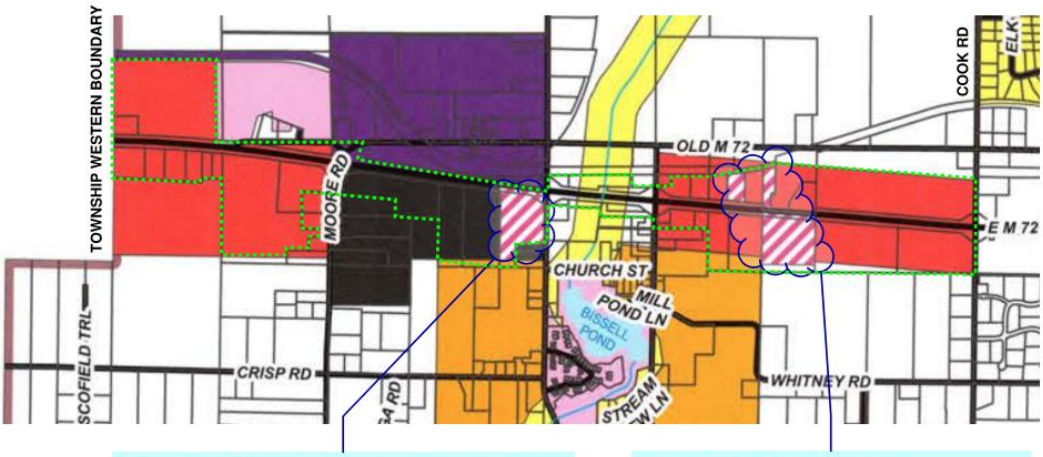
- **Proposed Section 6.03.** We would like to ask Planning Commission if they are favorable to language that instead states "within this Corridor Overlay, only development projects requiring site plan review shall employ the applicable provisions of this article described in sections 6.05 through 6.10 below." This way, changes of use or small expansions (1,000 sq. ft. or 10 percent of the building, whichever is less) that do not require site plan review will not have these overlay requirements applied.

- **Proposed New Subsection.** While our current draft does not have outdoor display limits, upon discussing with the Township staff, we recommend placing the provisions of Section 6.08 back into the draft amendment to cap outdoor display of vehicles, equipment, boats, etc. at four (4) vehicles. Then, all other vehicles for sale would need to be stored in a building or in a screened area approved by Planning Commission.

Next Steps

If Planning Commission desires, a public hearing could be set for the text amendment and the rezonings at an upcoming meeting.

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

The M-72 Corridor Overlay ("Corridor Overlay") district is herby 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 6.10 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.

Whitewater Township Zoning Rewrite

COPUD – M-72 Overlay Amendment June 15, 2026

The chart below compares the current COPUD article of the zoning ordinance (Article 6) to the proposed ordinance amendment to Article 6 (M-72 Overlay). Please visit www.whitewatertownshipmi.gov/planning-commission to view the existing zoning ordinance and the proposed M-72 Overlay amendment in full.

Current Ordinance: COPUD	Comparison	Proposed Amendment: M-72 Overlay
Section 6.02 All land adjoining M-72 from Cook Road westward to the west township line and lying 500 feet north and 500 feet south of the centerline of the M-72 right-of-way.	**Geographical Boundary**	*Proposed Section 6.02* 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.
Section 6.03 All development projects containing principal structures of at least 4,000 sq. ft.	**Applicability**	*Proposed Section 6.03* All development projects, including both new uses and new structures as well as renovated/expanded structures and/or renovated/expanded site features.
Section 6.12 Generally follows the planned unit development (PUD) process, including: • Requires a rezoning. • Requires a Planning Commission public hearing, including notice to the newspaper and all properties within 300 feet. • Requires Planning Commission site plan review and Township Board final approval. • A community impact statement is required for properties 10 acres or greater.	**Development Process**	*Proposed Section 6.04* If a permitted use, then the development goes through site plan review by the Planning Commission, subject to Article 12. If a special land use, the development goes through special land use review by the Planning Commission, subject to Article 13 (which requires site plan review as well).
Section 6.04 Must follow underlying zoning district's requirements.	**Lot Area, Lot Width, and Lot Coverage**	*Proposed Section 6.05* Must follow underlying zoning district's requirements.
Section 6.05 • Front: 75 feet minimum • Side: 25 feet minimum • Rear: 30 feet minimum • Maximum Frontage Buildout (percentage of lot width allowed to be occupied by buildings): 60%	**Building Setbacks and Frontage Buildout**	*Proposed Section 6.05* Must follow underlying zoning district's requirements.
Section 6.06 Parking lots must be screened from public view from roads.	**Parking**	*Proposed Section 6.06* Parking lots must be screened from public view from roads.
Section 6.08 Waste collection areas are required to be screened from public view.	**Waste Management**	*Proposed Section 6.06* Waste collection areas are required to be screened from public view by six foot high masonry enclosure, and be located on a concrete pad if accessed by trash hauler.

(Continued on next page)

Current Ordinance: COPUD	Comparison	Proposed Amendment: M-72 Overlay
Section 6.08 • Limits buildings to maximum 300 feet in width (dimension parallel to roadway) • Pitched roofs shall have a minimum slope of 4/12. • Building materials are required to be wood siding, log siding, brick, stone, or similar materials. Use of metals or other materials are discretionary, only if approved by the Planning Commission.	**Architectural Design Standards**	*Proposed Section 6.07* • No maximum size requirement, however a requirement that facades of over 100 feet in length shall be broken up by varying building lines, windows, and architectural accents. • No roof shape requirement. • Building materials are required to be wood siding, log siding, brick, stone, or similar materials. Use of metals or other materials are discretionary, only if approved by the Planning Commission.
Section 6.08 Outdoor display of vehicles, equipment, boats, etc. for sale shall be limited to four (4) vehicles, except for those stored away from public view in a building or area Planning Commission approves.	**Outdoor Display**	No outdoor display limits in the proposed Article 6
Section 6.08 Required to provide streetscape improvements, decorative light fixtures, fountains, sculpture, benches and tables, planters, retaining walls, pedestrian and bicycle paths, bicycle parking structures, trash receptacles and enclosures, vendor areas, bollards and fences.	**Streetscape Improvements**	No streetscape improvement requirements in the proposed Article 6.
Section 6.08 Generally refers to the sign ordinance (Article 14), however leaves discretion to the Planning Commission to approve/deny signage.	**Signage**	*Proposed Section 6.10* Signage shall be limited to freestanding ground type (aka “monument sign”) and wall signs.
Section 6.09 Landscape standards are discretionary, left to the Planning Commission to approve/deny.	**Landscaping**	*Proposed Section 6.09* • Foundation landscaping for the building is required to take up at least 50% of the linear frontage of the building. • Frontage greenbelt will be required in the front yard, with at least one canopy tree per every 40 feet of frontage.
No existing requirements.	**Access Management**	*Proposed Section 6.08* • One vehicle driveway approach per lot, however an extra one may be provided for lots containing greater than 500 feet of frontage. • Vehicle driveway approach not required if property gets access through a shared access drive.

memorandum

DATE: June 23, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.F. Wineries Memo and Amendment

Introduction

At the May 6 meeting, we provided an audit of the drafted wineries ordinance amendment.

Amendment History

- **2025-2026** – The Planning Commission developed a draft of the wineries ordinance. This work culminated in a draft ordinance dated 3/10/2026. After this, the Planning Commission then asked us (Giffels Webster) to audit the draft ordinance.
- **May 6, 2026** – The Planning Commission discussed our wineries ordinance audit. Planning Commission then suggested we rewrite the ordinance based on some of the larger suggested changes, and that we present it at an upcoming meeting. Substantial points of Planning Commission discussion included the following suggestions/direction:
    - Create a more realistic maximum building coverage standard based on percentage of lot coverage.
    - Be more prescriptive in what kind of accessory uses are permitted in the 100 foot setback.
    - Agreement that provisions to ensure the winery's food service and retail portion don't turn into full scale restaurants and grocery stores would be important. However, Planning Commission seemed favorable towards the promotional activities' allowance to have full service food events, which the Planning Commission articulated that the Michigan Liquor Control Commission limits to three a month. An all-day full-service restaurant should not be allowed.

A key display change in this draft is the inclusion of "**wineries, microbreweries, and micro-distilleries**." Based on the definitions in the previous drafts, it is my understanding that the intent was to include all three of such uses (and cideries – which appear to have always been under "wineries" based on the definition) in these regulations. Because these uses are rather similar in nature, it is sensible to include the three similarly so that the regulations are not seen to be exclusionary towards any such use.

We provide a draft Large Event Permits Ordinance and draft Noise Ordinance attached to this memo as well. The draft Noise Ordinance was shared with the wineries audit in May. The Large Event Permits Ordinance came from our audit recommending this strategy to govern large events, as well as comments MSU Extension made on the draft ordinance as well. It is our thought that it will be easier to regulate

these through a general code ordinance where the applicant seeks a permit through the Township Board on an individual basis.

Next Steps

We want to be clear that this is a working draft for discussion only. Planning Commission may wish to consider all of the policy impacts of this draft text amendment in detail. Once satisfied with the text, Planning Commission may move to set a public hearing on the draft text amendment.

Items for Consideration in a Later Text Amendment

If Planning Commission desires more continued flexibility for agricultural lands, a broader agri-tourism ordinance could be an item to work on in a later text amendment. This could include the implementation of “tiered activities,” which was discussed briefly in the May meeting. Currently, it is our understanding that Planning Commission desires to take care of this wineries ordinance amendment in the immediate future.

Proposed Zoning Text Amendments

Largely new language, but some kept from previous Planning Commission draft, including the definitions.

DEFINITIONS

Cidery: A state-licensed facility – see Winery.

Micro-brewery: A state-licensed small-scale beer-making facility that uses agricultural products (grains, hops, fruits, honey, or other farm ingredients) where the production of beer; beer and/or other fermented malt beverages are brewed, processed, and sold at wholesale or retail to the public with or without the use of a tasting room or taproom facility.

Micro-distillery: A state-licensed facility where agricultural products (grains, fruits, sugar, or other fermentable materials) are fermented and then distilled to produce spirits (e.g., whiskey, vodka, rum, brandy); distilled spirits are bottled, processed, and sold at wholesale or retail to the public with or without the use of a tasting room or on-site retail facility.

Tasting Room: A room located on the same parcel as a winery, micro-brewery, or micro-distillery where a) tasting of wine, fruit wines, and nonalcoholic fruit juices takes place and b) the retail sales of winery products, incidental merchandise, and incidental retail sales of non-food items and packaged food items are allowed as provided herein.

Winery: A state-licensed facility where agricultural fruit production is maintained; wine and/or cider is processed; and sold at wholesale or retail to the public with or without the use of a wine tasting room. All further references to wineries shall also include cideries, micro-breweries, and micro-distilleries.

SECTION 5.16 – WINERIES, MICROBREWERIES, AND MICRO-DISTILLERIES

A. Intent. It is the intent of this section to encourage the growing of crops and production of wine, beer, and distilled spirits as an integral component of the rural and agricultural ambiance of Whitewater Township, and to maintain the viability of farming through the value-added processing and direct sales of wine, beer, distilled spirits, and related beverages made from locally grown crops. It is also the intent of this section to promote the growth of agritourism as economic development, as set forth by the Master Plan by allowing construction of a winery, micro-brewery, or micro-distillery with a tasting room, with events and gatherings, and with retail sale of winery, microbrewery, or micro-distillery products, in the Agricultural A-1 district subject to this Ordinance.

B. Permitted Uses. Wineries, micro-breweries, and micro-distilleries with tasting rooms are permitted in the A-1 agricultural district, subject to approval of a special use permit in accordance with Article 13 of this Ordinance. Site plan review in accordance with Article 12 of this Ordinance is required, and the Planning Commission shall find that the site plan complies with the requirements of this section before approving any site plan.

C. Requirements for All Wineries, Micro-breweries, and Micro-distilleries with Tasting Rooms. All wineries, micro-breweries, and micro-distilleries with tasting rooms shall comply with the following requirements.
   1) The use shall be licensed by all applicable state and federal regulatory authorities, including the U.S. Treasury, Bureau of Alcohol Tobacco & Firearms; the Michigan Liquor Control Commission (MLCC); the Michigan Department of Agriculture, and the Michigan Department of Environment, Great Lakes, and Energy.
   2) The total building coverage for all buildings on the lot shall not exceed more than five percent (5%) of the total lot area.
   3) Setbacks.

a. All new principal or accessory buildings, and accessory structures including decks, patios, and all outdoor seating areas, shall be set back at least 100 feet from any lot line. Principal or accessory buildings in existence prior to the effective date of the amendment that created this section that do not meet this setback requirement may also be used for winery, micro-brewery, or micro-distilliery purposes, subject to the provision of additional landscaping and buffering features being required by the Planning Commission. Such additional landscaping and buffering features may include plant material, mounding, or other decorative landscape elements that serve to abate potential noise impacts and light spillover along property line(s). The Planning Commission shall consider Article 10 of this Ordinance when making such determination.
b. All accessory uses and parking areas shall be set back at least 100 feet from any lot line.

4) Sales of food and merchandise. Retail sales of food and beverages produced on the premises, and incidental merchandise associated with the tasting room and/or farm are permitted. The sale of general retail consumer goods is prohibited.
5) Food service. Food service is permitted, subject to the following requirements:
   a. Food prepared by the tasting room shall be restricted to hors d'oeuvres, seasonal small plates, soups, and snacks.
   b. Food service shall be completed by 10:00 pm.
   c. All necessary permits for food service shall be obtained.
   d. Brand promotional events, subject to the State liquor control code and administrative rules/orders, are permitted to provide full service meals, subject to the following additional requirements:
      i. There shall be no more than three events per month.
      ii. A commercial kitchen shall be provided on the premises, constructed in compliance with the county and state building and health codes.
      iii. The event shall follow the additional use-specific requirements for events in subsection D below.
6) Parking
   a. Parking for the winery, micro-brewery, or micro-distillery processing and production areas shall comply with the requirements of Section 9.07 for 'industrial or manufacturing establishment, research and testing labs.'
   b. Parking for tasting room areas shall comply with the requirements of 9.07 for 'restaurants, taverns, bars, nightclubs.'
   c. Parking for retail areas shall comply with the requirements of 9.07 for 'supermarket, self service food or beverage shop.'
7) Noise
   a. Noise shall comply with the requirements of the Township Noise Ordinance #XXXX **[proposed noise ordinance]**.
8) Location Buffer. To preserve the rural character of the Township, prevent the concentration of similar commercial uses, minimize traffic on lightly travelled roads, and minimize noise and land-use conflicts, wineries, micro-breweries, or micro-distillieres with tasting rooms shall be subject to the following buffering requirements.
   a. No winery, micro-brewery, or micro-distillery with a tasting room shall be established within one (1) mile of another such winery, micro-brewery, or micro-distillery with a tasting room, measured in a straight line from property line to property line.
   b. A waiver or reduction from the buffer requirement in C.8.a. may be granted by the Planning Commission upon finding of all of the following criteria are met:
      i. Road capacity is sufficient and traffic impacts on rural roads are minimized.
      ii. Potential cumulative impacts from events, noise, and lighting are mitigated.
      iii. The property and use is compatible with surrounding agricultural and residential uses.
      iv. The property and use preserves rural character and scenic viewsheds.

D. Events. Events are permitted in conjunction with a winery, micro-brewery, or micro-distillery tasting room, and shall be defined and regulated as follows:
   1) ‘Small events’ shall be defined as events containing a maximum occupancy of 100 people or fewer, excluding employees.
   2) ‘Large events’ shall be defined as events containing a maximum of occupancy of greater than 100 people, excluding employees.
   3) General requirements for all events:
      a. A maximum of four events per any 30-day period shall be permitted.
      b. The event shall not include overnight sleeping accommodations for attendees.
      c. Event operations shall occur only between the hours of 10:00 am and 10:00 pm.
      d. Parking for Events. If the tasting room is closed to the public for the duration of the event, the event shall provide the amount of parking as required in Section 9.07 for ‘restaurants, taverns, bars, nightclubs’ or ‘dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ball rooms or any similar type of use,’ whichever is greater. However, if the tasting room remains open to the public during the event, the event shall provide the aggregate of the parking required for both the tasting room and the event.
   4) The minimum lot area for a tasting room holding a small event shall be 10 acres.
   5) Additional Requirements for Tasting Rooms with Large Events. All tasting rooms with large events shall comply with the following additional requirements.
      a. Each large event shall obtain a Large Event Permit from the Township Board in accordance with Township Ordinance #XXXX Large Event Permits and shall comply with the requirements therein.
      b. The minimum lot area for a tasting room holding a large event shall be 20 acres.
      c. To promote economic development and flexibility and adaptability for agricultural properties, temporary structures such as tents and food trucks are permitted in conjunction with large events. Such tents, food trucks, or temporary structures shall not be placed farther than 48 hours in advance of the large event, and shall be removed within 48 hours of the conclusion of the large event. The placement of the tent, food truck, or temporary structure shall be reviewed on an individual basis for each Large Event Permit, but in no case shall it be located within 100 feet of any lot line.

Proposed General Code Ordinances

GENERAL CODE ORDINANCE #XXXX: LARGE EVENT PERMITS

[New Language]

A. Intent. The intent of this Ordinance is to protect the public health, safety and general welfare of Whitewater Township residents by establishing regulations relating to the operation, control and management of large events, including to ensure adequate provisions for traffic circulation, parking, services and facilities including potable water and sewage disposal, and nuisance abatement; to provide penalties for violations of said Ordinance; and to repeal all ordinances or parts of ordinances inconsistent therewith. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

B. Applicability. Large events containing a maximum capacity of more than 100 people, excluding any applicable staffing for the event, shall comply with the requirements of this Ordinance.

C. Exemptions. The following shall not be construed to be large events and are exempt from the provisions of this Ordinance.
   1) Township, county and state sponsored events and assembly places.
   2) Public and private schools and accessory uses/events.
   3) Funeral processions and gatherings.
   4) Garage sales, yard sales, estate sales, and private property auctions excluding the auctioning of items transferred to the property for the principal purpose of sale, including what are commonly referred to as “consignment auctions.”
   5) Private gatherings such as weddings, graduation parties and similar events occurring entirely on a residentially-used property or common area of a multi-family residential development, provided the event is not open to the general public and not for pecuniary gain or profit.
   6) Activities conducted within a building designed for assembly use and permitted by the zoning ordinance, such as places of worship, banquet facilities, halls, fraternal organizations, libraries, schools and recreational facilities.
   7) The outdoor temporary sale of seasonal goods including, but not limited to, Christmas trees, fire wood, and fireworks.
   8) Civic sponsored outdoor sale events comprised of multiple vendors displaying and selling predominately agricultural products and commonly referred to as “farmers markets.”
   9) Other activities of a similar character to those identified in this section.

D. Procedure for Obtaining Permit.
   1) At least 30 days prior to the intended event, the owner or operator shall file a permit application with the Township Clerk. The permit application shall contain the following:
      a. Completed application form
      b. Description of large event, including music/sound amplification plans/equipment and food service or catering details.
      c. Copy of approved site plan on file.
      d. Sketch plan including dimensions and setbacks, of any additional accessory uses or temporary structures pertinent to the special event, such as overflow parking, game/amusement locations, portable restrooms, solid waste storage or disposal, or other similar uses or activities.
      e. Fee as required by the Township fee schedule.
      f. If the operator is not the property owner, the operator shall provide notarized authorization from the property owner that they may act on the property owner’s behalf.
      g. Dates. Proposed date(s) of the large event, including starting and ending times for each date and any additional time required for set-up, tear-down and cleanup.
      h. Insurance Policies. Copies of insurance policies naming the Township as an additional insured for one million dollars ($1,000,000) and indicating that the policy applies to the large

event. Nothing in this Ordinance shall be construed to affect in any way the Township's governmental immunity as provided by law.

i. Indemnification Agreement. A signed agreement included with the application to defend, indemnify, and hold harmless Whitewater Township from any claim, demand, suit, loss including death, cost of expense or any damage which may be asserted, arising from or as a result of the large event. Covered damages shall include, at a minimum, damage to property, personal or bodily injury including death, and all costs and attorney fees. Such indemnification shall apply regardless of whether such alleged claim, demand, damage, loss, or cost or expense is caused in whole or in part by the negligence of Whitewater Township or by third parties or by the agents, servants, employees or factors of any of them.

2) The Township Clerk shall route the application and materials to relevant Township or County authorities, including the zoning administrator, the Fire Department, County Building Department, and County Road Commission to obtain any advisory comments in relation to the application. Any such comments shall be forwarded to the Township Board for their review.
3) The Township Board shall review and may approve the large event permit. In reviewing the permit, the Township Board may require conditions for compliance. The Township Board shall find that the application meets the requirements of this Ordinance before approving the permit.
4) The applicant shall be notified in writing of the action on the application, which may include the copy of the meeting minutes at which the action was taken. Notice to the applicant shall specify the basis for any denial of the application.

E. Requirements. All large events shall comply with the following requirements.
1) Zoning Compliance. Special Events shall comply with all applicable zoning regulations for the zoning district in which it is to be located according to the Township Zoning Ordinance, including requirements pertaining to lot size, building height, setbacks, off-street parking and signage.
2) Temporary Tents, Food Trucks, and Structures. All temporary tents, food trucks, and structures erected or used for a large event shall comply with the following:
   a. Shall be of such sizes and locations so as not to have a substantial negative impact on surrounding properties due to such matters as visibility, accessibility, traffic flow, parking and other site issues.
   b. Shall be installed, constructed, used, occupied and maintained in compliance with the provisions of federal, state and local rules and regulations.
   c. Shall be installed, constructed, used, occupied and maintained in compliance with the manufacturer's specifications for such structures.
   d. Shall be removed at the conclusion of the Special Event or upon the expiration of the Special Event Permit, whichever occurs first, or as otherwise specified on the permit.
3) Environmental Protection.
   a. Operations shall meet federal, state and local environmental health requirements, including those of the County Health Department, pertaining to adequate and safe supply of potable water; restroom facilities; food and beverage storage, handling and servicing; disposal of solid waste; and all other operations having bearing on environmental health.
   b. The establishment and operation of a large event shall conform to federal, state and local rules and regulations regarding the protection of environmental resources including the soil erosion and sedimentation requirements of the County Drain Commissioner and the Michigan Department of Energy, Great Lakes, and the Environment (EGLE) requirements regarding wetlands, stream crossings and water quality protection.
4) Lighting. If the Special Event is to occur after daylight hours, sufficient lighting shall be provided and in such manner so as to shield or eliminate direct and nuisance illumination beyond the boundaries of the large event property’s lot lines.
5) Parking and Traffic.
   a. There shall be provided one (1) or more parking areas of sufficient total area and which support safe and orderly circulation for the maximum number of people to attend the large event at any single time.

b. Traffic control measures shall be provided to ensure safe and orderly vehicular and pedestrian circulation including on-site circulation and the flow of vehicular and pedestrian traffic onto public or private road rights-of-way.
c. A plan for temporary overflow parking is required.

6) Emergency Services. Adequate emergency services shall be provided as may be directed so by the County Sheriff and the Fire Department, including adequate facilities for communication with emergency service providers.
7) Event noise shall conform to Whitewater Township's Noise Ordinance #XXXX **[proposed noise ordinance]** and applicable state and local law along with all standards set forth by this ordinance.
8) Occupancy shall conform to regulations set forth by the inspection of the Health Department and Whitewater Township Fire Department Inspection Code. In the circumstance that septic capacity or occupancy capacity are in conflict, the more restrictive requirement shall apply.
9) Public Health, Safety and Welfare. The application shall demonstrate that within the context of the subject property and surrounding area, all operational aspects of the proposal are practical and clearly capable of being implemented as presented, and support the protection of public health, safety and welfare, including parking, circulation, location of gathering areas and temporary and permanent structures, lighting and noise levels.
10) Performance Bond. The Township Board may require the owner or operator to post a performance bond with the Township in a form acceptable to the Township Treasurer and in an amount that will guarantee the restoration of any public property to a like condition as existed before the event. This may include, but is not limited to, costs associated with sign removal and litter/garbage collection and disposal. A bond may also be required to cover the costs for services provided by the Township or its designated agents to mitigate any health, safety and welfare issues caused by the large event, including emergency services, traffic and/or crowd control.

F. Violations and Enforcement.
1) Authority and Basis: the Township Board may revoke, cancel, suspend or modify a Large Event Permit after determining that one (1) or more of the following conditions is true:
a. Error. The Large Event Permit or any portion thereof was issued in error.
b. Inaccurate. The Large Event Permit application and/or supporting information is incorrect, inaccurate or false in any manner, including in the case where the applicant knowingly or unknowingly made a false, misleading, or fraudulent statement in the application materials.
c. Noncompliance with Permit. There exists noncompliance with the terms or conditions of the Large Event Permit.
d. Public Welfare. The Large Event substantially threatens the public health, safety or welfare.
e. Other Laws. There exists a violation of federal, state or local law in connection with or related to the Special Event.
2) Suspension: If the Township Board suspends a Large Event Permit, the Person holding the Large Event Permit shall address the violation(s) to the satisfaction of the Township Board before continuing with the preparation for and/or conducting of the Special Event.
3) Grounds for Future Denial: Revocation and/or suspension of a Large Events Permit may be grounds for the denial of any and all future applications for similar events where the owner and/or operator are the same applicants. Violation(s) of this Ordinance or the Large Event Permit shall be kept on file and may be grounds to for the denial of any and all future applications for similar events where the owner and/or operator are the same applicants.
4) Good Standing. The property on which the Large Event Permit is to be conducted is not subject to delinquent property taxes and shall not contain any unresolved violations of this Ordinance or the Township Code of Ordinances.

GENERAL CODE ORDINANCE #XXXX NOISE ORDINANCE

[New language; this was presented with the wineries audit in the May meeting]

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

Ordinance No. _____ of 2026

AN ORDINANCE TO AMEND THE WHITEWATER TOWNSHIP ZONING ORDINANCE

ARTICLE 22, SECTION 22.01 - PENALTIES

Section I. Amendment of Article 22.01.

THE TOWNSHIP OF WHITEWATER HEREBY ORDAINS:

Article 22, Section 22.01 of the Whitewater Township Zoning Ordinance is hereby amended to read in its entirety as follows:

Section 22.01 Penalties

1. Any person, limited liability company, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws, and shall be subject to a fine of not more than Five-Hundred and 00/100 ($500.00) Dollars. Every day that such a violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance.
2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate or enjoin the nuisance per se or any other violation of this Ordinance.

Section II. Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

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Section III. Effective Date

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. _____ was adopted on the _____ day of _____, 2026 by the Whitewater Township Board as follows:

Motion by:_____

Seconded by:_____

Yeas: _____

Nays: _____

Absent: _____

_____ _____

Wendy Hoeksema, Clerk Linda Slopesema, Supervisor

I certify that this is true copy of Ordinance No. _____ that was adopted at a regular meeting of the Whitewater Township Board on _____, 2026 and published in the _____ on _____, 2026.

Dated: _____, 2026

_____

Wendy Hoeksema, Clerk

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