WHITEWATER TOWNSHIP PLANNING COMMISSION REGULAR MEETING

August 5, 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. Public Hearing ZOA 2026-05 Amendments to Article 13 - Special Uses and Article 5 - Supplemental Development Standards and Provisions.
    a. Open public hearing/ state time.
    b. Request those attending sign attendance sheet.
    c. State date of public hearing notice publication and newspaper published in.
    d. State purpose of public hearing.
    e. Brief Introductory Presentation (Zoning Admin. Planner, Applicant/Agent, etc.).
    f. Read any written comments received.
    g. Receive public comment.
    h. Close public hearing/state time.

Questions shall be addressed through the Chair during the public hearing. PC discussion and action shall take place after the public hearing is closed. Action may also take place at a subsequent PC meeting.

9. Public Hearing ZOA 2026-06 Repeal of Article 6 - Corridor Overlay Planned Unit Development (COPUD) Zoning District and rezoning of 4 properties along M72
    a. Open public hearing/ state time.
    b. Request those attending sign attendance sheet.

c. State date of public hearing notice publication and newspaper published in.
d. State purpose of public hearing.
e. Brief Introductory Presentation (Zoning Admin. Planner, Applicant/Agent, etc.).
f. Read any written comments received.
g. Receive public comment.
h. Close public hearing/state time.

Questions shall be addressed through the Chair during the public hearing. PC discussion and action shall take place after the public hearing is closed. Action may also take place at a subsequent PC meeting.

10. **Approval of Minutes of Previous Meeting:** Regular and Special Meetings July 1, 2026 and Special Meeting July 22, 2026

11. **Correspondence**

12. **Reports/Presentations/Announcements/Comments**
    a. Zoning Administrator
    b. Planning Commission Chair
    c. Township Board Representative
    d. ZBA Representative
    e. ROWG
    f. Additional Items

13. **Unfinished Business**
    a. Amendment to Article 22 – Violations section 22.01 Penalties
    b. Wineries and Cideries Ordinance Update
    c. STR Survey report update

14. **New Business**
    a. Amendment to Article 20 – Zoning Board of Appeals
    b. Introduction to Amendment of Article 1: Moratoria

15. **Next Meeting:** 9/9/2026

16. **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 rules and procedures as stated at the first public comment period.**

17. **PC Discussion/Comments**

18. **Continuing Education: EGLE Webinar**

19. **Adjournment**

T. C. RECORD-EAGLE, INC.
DEPT 1415
PO BOX 4268
HOUSTON TX 77210-4268
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION

Salesperson: ALYSSA HEIDER — Printed at 07/13/26 13:55 by aheid-tc

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Acct #: 2055 — Ad #: 637584 — Status: New WHOLD

WHITEWATER TOWNSHIP CLERK
P.O. BOX 159
WILLIAMSBURG MI 49690

Start: 07/18/2026 — Stop: 07/18/2026
Times Ord: 1 — Times Run: ***
STDAD 3.00 X 6.98 — Words: 500
Total STDAD 20.94
Class: 147 LEGALS
Rate: LEGAL — Cost: 200.75
Affidavits: 1

Contact:
Phone: (231)267-5141
Fax#:
Email: clerk@whitewatertownshipmi.g
Agency:

Ad Descrpt: LEGAL NOTICE WHITEWATER T
Given by: *
P.O. #:
Created: aheid 07/13/26 13:52
Last Changed: aheid 07/13/26 13:55

PUB	ZONE	EDT	TP	RUN DATES
RE	A	97	S	07/18
IN	AIN	97	S	07/18

AUTHORIZATION

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Please be sure to check your ad on the first day it appears. Although we are happy to make corrections at any time, the Record-Eagle is only responsible for the first day's incorrect insertions. Also, we reserve the right to edit or reclassify your ad to better serve buyers and sellers.

No refunds or rebates will be issued if you cancel your ad prior to the stop date.

We appreciate your business.

(CONTINUED ON NEXT PAGE)

T. C. RECORD-EAGLE, INC.
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PO BOX 4268
HOUSTON TX 77210-4268
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: ALYSSA HEIDER Printed at 07/13/26 13:55 by aheid-tc

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Acct #: 2055 Ad #: 637584 Status: New WHOLD WHOI

LEGAL NOTICE

WHITEWATER TOWNSHIP
PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS

The Whitewater Township Planning Commission will conduct two public hearings at a regular meeting on **August 5, 2026, at 7:00 PM**, at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

The purpose of the public hearings are to receive public comments on proposed amendments to the zoning ordinance and the proposed rezoning of four properties.

- Amendments to Article 13 - Special Uses and Article 5 - Supplemental Development Standards and Provisions. The amendment proposes to repeal Section 13.17 and reorganize into specific sections within Article 5, with clarification that these requirements will pertain to such specific uses, whether they are permitted by right or by special land use.
- Repeal of Article 6 - Corridor Overlay Planned Unit Development (COPUD) Zoning District. Please note that the four (4) currently zoned COPUD properties are proposed to be rezoned to the zoning designations as specified below.
- Rezoning of the following four (4) properties:
  - Proposed rezoning of 8434 E M72, Williamsburg, Michigan 28-13-004-010-00 from its current COPUD designation to N-1 Industrial.
  - Proposed rezoning of 8925 E M72, Williamsburg, Michigan 28-13-004-001-01 from its current COPUD designation to C-1 Commercial.
  - Proposed rezoning of 8995 E M72 Williamsburg, Michigan 28-13-003-010-21 from its current COPUD designation to C-1 Commercial.
  - Proposed rezoning of 9040 & 9036 E M72, Williamsburg, Michigan 28-13-003-010-02 from its current COPUD designation to C-1 Commercial.

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

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

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

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

July 18, 2026 – 1T 637584

memorandum

DATE: July 27, 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.
- **July 1, 2026 –** After distinguishing this specific reorganization amendment from the other Bundle 1 amendments, Planning Commission considered this amendment and moved to set the public hearing for the August 5, 2026 regular meeting. For the purpose of clarity, we are naming this amendment "**Bundle 1.D**."

Next Steps

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

memorandum

DATE: July 27, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Bundle 1.E. COPUD Section Memo and Text Amendment – Public Hearing

Introduction

Several needed updates to the Corridor Overlay Planned Unit Development (COPUD) section of the zoning ordinance were 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 intent was 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.

After thorough considerations of the draft amendment, Planning Commission most recently decided that an update to the COPUD was no longer necessary and that a repeal of the section would be the most beneficial simplification of zoning regulation. Repealing this section would also mean rezoning the four COPUD properties to the zoning of their adjacent properties.

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 were fixed since the draft presented in May. Please see the map on the following page showing how these rezonings may conceptually look.
- **July 1, 2026 –** The Township held a public workshop on this topic to hear feedback from property owners, business owners, and residents in the area.
- **July 1, 2026 –** After the public workshop, and after further discussion, Planning Commission decided that simply repealing the COPUD article (Article 6), deleting references to COPUD, and rezoning the four COPUD properties to their adjacent zoning designation would be the most beneficial action in light of simplifying regulations for these properties. Planning Commission set the public hearing on the repeal of this COPUD article and the rezoning of the four COPUD properties for this August 5, 2026 meeting.

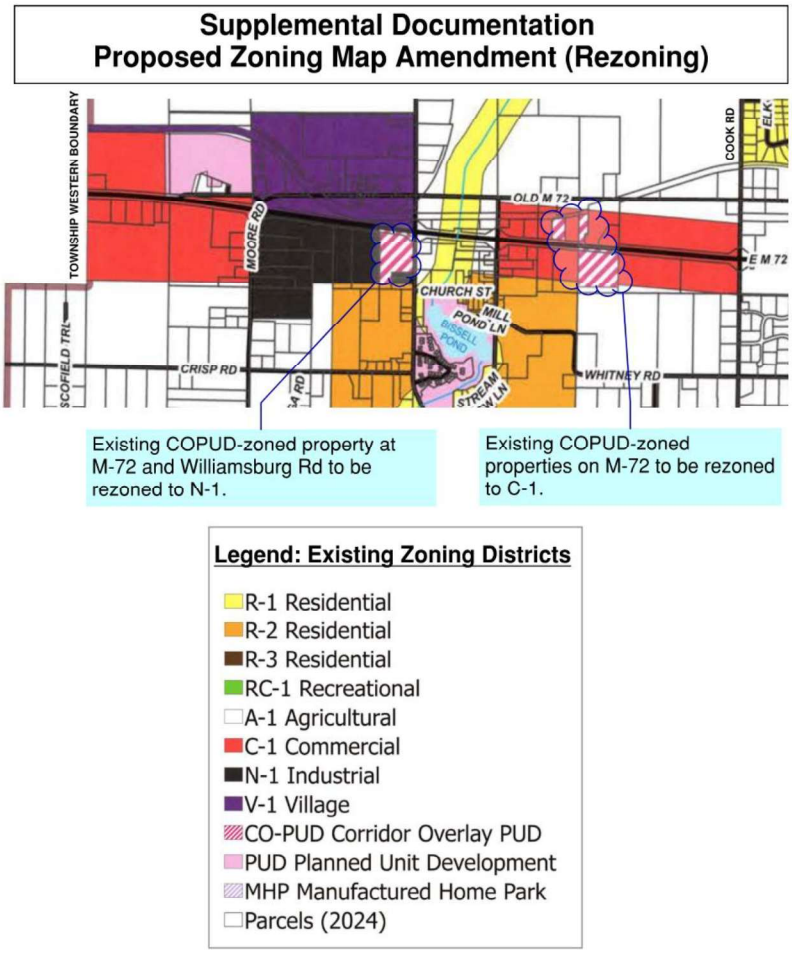
Next Steps

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

Rezoning (Map Amendment) of the Four COPUD Properties

The four properties to be rezoned are as follows (please see the below map for visual reference, and the subsequent individual parcel screenshots):

- Proposed rezoning of 8434 E M72, Williamsburg, Michigan (parcel ID 28-13-004-010-00) from its current COPUD designation to N-1 Industrial.
- Proposed rezoning of 8925 E M72, Williamsburg, Michigan (parcel ID 28-13-004-001-01) from its current COPUD designation to C-1 Commercial.
- Proposed rezoning of 8995 E M72 Williamsburg, Michigan (parcel ID 28-13-003-010-21) from its current COPUD designation to C-1 Commercial.
- Proposed rezoning of 9040 & 9036 E M72, Williamsburg, Michigan (parcel ID 28-13-003-010-02) from its current COPUD designation to C-1 Commercial.

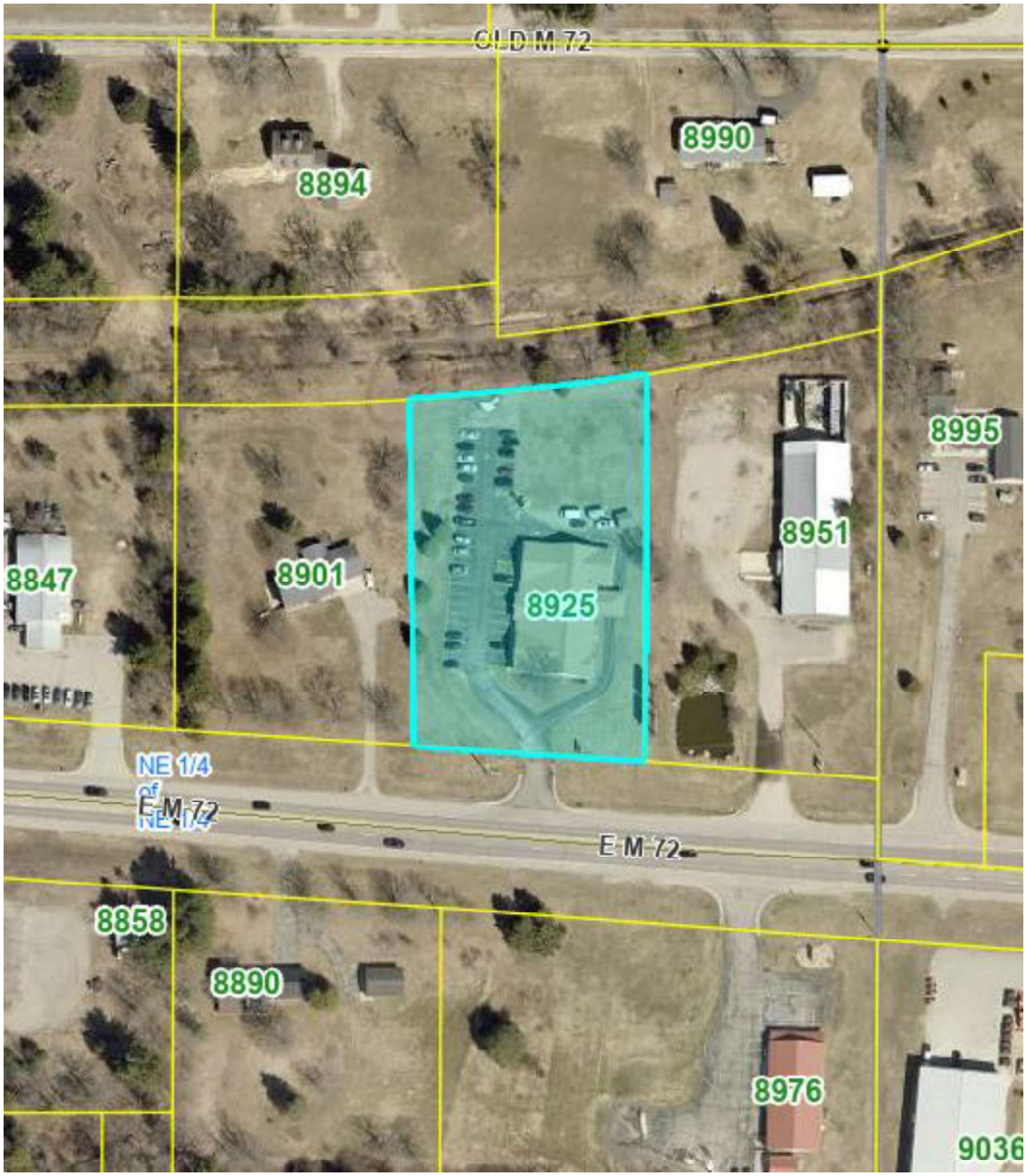


8434 E M-72 (28-13-004-010-00)

Proposed rezoning from COPUD to N-1 Industrial

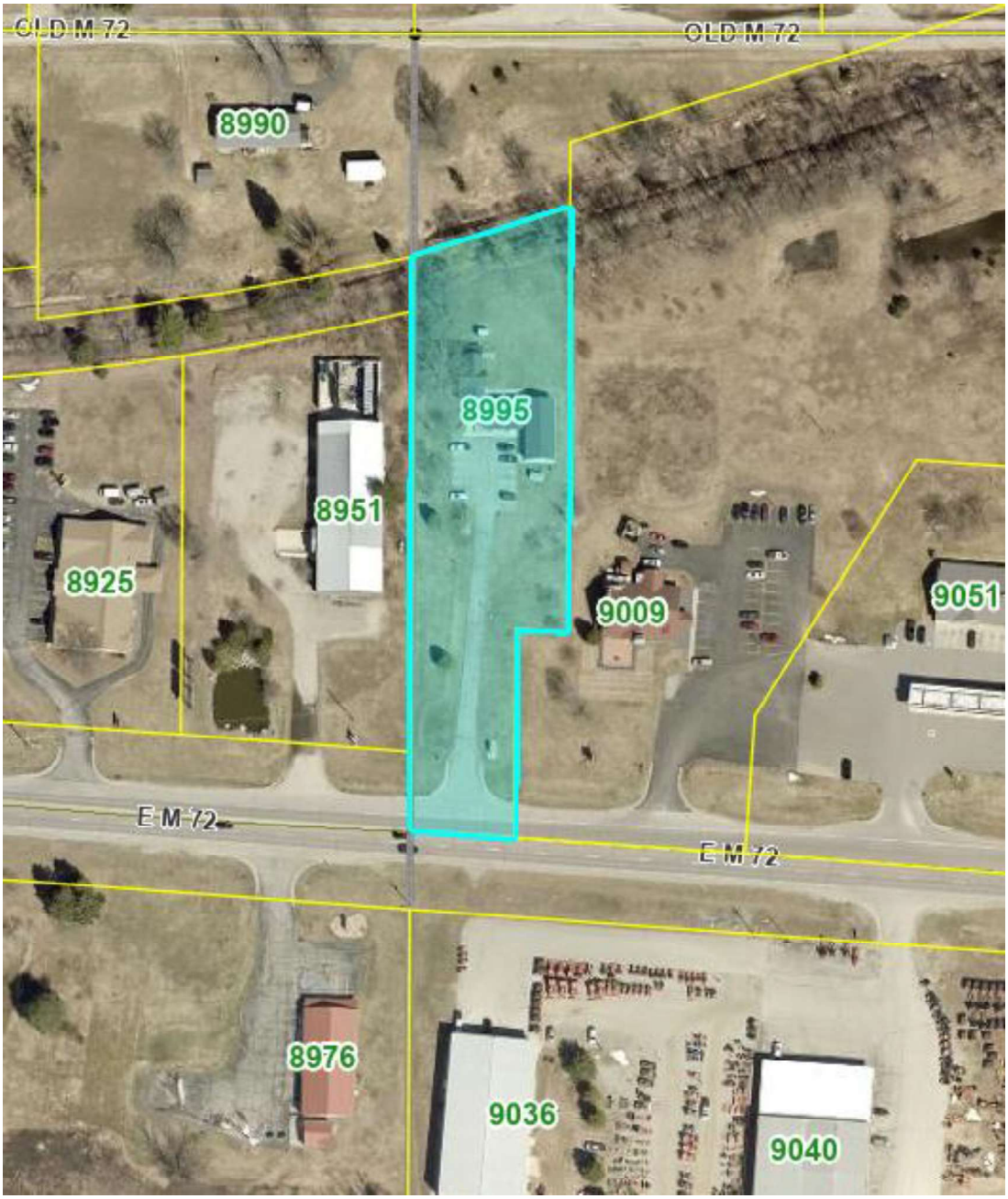
8925 E M-72 (28-13-004-001-01)

Proposed rezoning from COPUD to C-1 Commercial



8995 E M-72 (28-13-003-010-21)

Proposed rezoning from COPUD to C-1 Commercial



9040 & 9036 E M-72 (28-13-003-010-02)

Proposed rezoning from COPUD to C-1 Commercial

Proposed Text Amendment

Article 6 will be repealed in its entirety. This will mean references to the Corridor Overlay Planned Unit Development (COPUD) shall also be deleted from the zoning ordinance.

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~~

~~UNDERLYING ZONING: The zoning classification and regulations applicable to the property immediately preceding the designation of the property as a Corridor Overlay Planned Unit Development Zoning District.~~

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 entire Article 6 and new Article 6 to be identified as "Article 6 – Reserved"]

~~**6.01 PURPOSE**~~
~~A Corridor Overlay Planned Unit Development (COPUD) Zoning District is hereby established consistent with the goals and objectives of the Whitewater Township Master Plan and pursuant to the zoning enabling statutes of the State of Michigan. All developments proposed within this District shall be subject to the procedures, standards and guidelines specified in the following~~

sections, in addition to those standards pertaining to the particular base zoning district in which the development occurs. The purposes of establishing this district are as follows:

A. To encourage the use of land in accordance with its character and adaptability.
B. To encourage economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities.
C. To encourage the preservation of scenic vistas and viewsheds. Further, to establish site and structure design standards which will protect and enhance property values and encourage successful commercial and industrial development in the District.
D. To preserve or enhance the visual character of the corridor for the economic benefit to local land owners and the region by establishing and maintaining an orderly, well-designed corridor in keeping with the character and values of the Township and the region.
E. To afford applicants the greater flexibility of a Planned Unit Development regulated primarily through performance-based standards so that proposed designs can be reviewed with the applicant in a cooperative manner to determine whether the proposed plan meets the standards and guidelines of this zoning district.

6.02 DELINEATION OF THE CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT ZONING DISTRICT

The Corridor Overlay Planned Unit Development zoning district shall include all those lands 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.

6.03 APPLICABILITY OF THIS ARTICLE

Within this COPUD District, all development projects are eligible to employ the design standards and applicable procedures of this article. Development projects entailing principal structures with an overall floor area in excess of 4,000 square feet shall be subject to the design standards and application procedures of this Article. Development projects in this COPUD District on parcels of land fronting on M-72 but of greater depth than 500 hundred feet may extend the applicability of these procedures and design standards by means of rezoning or through variances. There shall be no alteration of the existing condition of the lands, uses or structures within this COPUD Zoning District from the date of the enactment of this Article henceforth except as provided for by this section or by other sections of this Article.

6.04 GENERAL DESIGN STANDARDS

A. Subject to paragraph B of this section, all regulations applicable to lot size, lot width, lot coverage, setback, parking and loading, general provisions, and to other requirements and facilities, shall meet the regulations applicable in the underlying district in which the project is located. In addition, all projects in this COPUD Zoning District shall meet the design standards and guidelines of this article.
B. Consistent with the planned unit development concept, and toward the end of encouraging flexibility and creativity in development, departures from compliance with the regulations provided elsewhere in this ordinance may be recommended in the discretion of the Planning Commission and granted by the Township Board as part of the approval of a planned unit development. Such departure may be authorized on the condition that there are features or planning mechanisms, deemed adequate by the Planning Commission and the Township Board, designed into the project for the purpose

of achieving the objectives intended to be accomplished with respect to each of the regulations from which a departure is sought.

C. The development shall be designed so as to promote preservation of natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or altered, moved or removed if it is in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concerns for the protection and preservation of natural resources and natural features, and taking into account the provisions and standards of Act 127 of the Public Acts of 1970, as amended, the Michigan Environmental Protection Act.

D. The Planning Commission and the Township Board shall take into account the following considerations, as the same may be relevant to a particular project and insure compliance with all related applicable regulations established elsewhere in the Ordinance including, but not limited to, architectural design standards, perimeter setbacks, grading and berming, roads and driveways, drainage, stormwater runoff, snow clearing and storage, underground installation of utilities, insulating the pedestrian circulation system from vehicular traffic, achievement of an integrated development with respect to signage, lighting, landscaping and building materials; and, noise reduction and visual screening mechanisms particularly in cases where nonresidential uses adjoin off-site residential uses or residentially zoned property. The Whitewater Township Commercial/Industrial Designs Example Book, which is available in the office of the Zoning Administrator, contains graphic and photographic examples of structures and landscaping which would comply with or approach compliance with the design standards of this article.

6.05 SETBACKS FOR STRUCTURES ON PARCELS OR SITES FRONTING ON THE M-72 CORRIDOR

A. Front Yard Setbacks: No permanent structure other than a free-standing sign approved by the Township shall be constructed closer to a public right-of-way than seventy-five (75) feet.

B. Side Yard Setbacks: No permanent or temporary structure shall be constructed or placed within twenty-five (25) feet of any side yard not facing a public right of way. Of this minimum side yard, an open strip of fifteen (15) feet in width shall be maintained as a service drive, as a lawn or planted in low-growing ground cover (such as myrtle or euonymous) to permit emergency equipment access. At least five (5) feet of the side yard adjacent to the property line shall be planted and maintained as a green-belt/buffer strip to the adjacent property (see Article 10). In no case shall structures occupy more than sixty percent (60%) of the width of any parcel when measured along lines perpendicular to the centerline of the principal adjoining road.

C. Rear Yard Setbacks: The rear yard setback shall be thirty (30) feet plus the width of any required green-belt or buffer zone.

6.06 OFF-STREET PARKING AND LOADING

A. All off-street parking and loading areas shall comply with the standards and regulations of Article 9, Off-Street Parking and Loading.

B. Parking allowed in the front yard setback in excess of six (6) vehicles shall be screened from view of the adjoining roads as follows:

1) In the C-1, R-3 and N zoning districts adjoining M-72, parking shall be screened in accordance with the requirements of Article 10. Similar screening by means of a six (6) foot high buffer zone shall be required along yards of corner lots where parking is located in the side yard adjoining the side street.

6.07 ARTERIAL ROAD ACCESS, DRIVEWAY, AND SERVICE DRIVE REGULATIONS

Access to arterial roads, side roads on corner lots, and other roads; driveways; connections between parking lots on adjacent parcels; and service drives shall comply with Article 9, Off-Street Parking and Loading.

6.08 ARCHITECTURAL DESIGN REVIEW AND STANDARDS

The compatible relationship of the proposed development in the District is of critical public concern for any buildings or site improvements. The intent of the design review is not to stifle innovative architecture but to assure respect for existing designs that substantially comply with the intent and design standards of this article and to reduce incompatible and adverse impacts on the visual experience from the roadways in these corridors, parks, and residential districts. To accomplish this the Site Plan Review Committee and the Planning Commission shall exercise the following standards and guidelines in reviewing all such proposed development:

A. Proposed development shall avoid excessive or unsightly grading, indiscriminate earth moving or clearing of property, and removal of trees and vegetation which could cause disruption of natural water courses or disfigure natural land forms.

B. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the land parcel and surrounding parcels. Structures shall impede, as little as reasonably practical, scenic views of the natural environment from the corridor.

C. Although maximum site densities and special site regulations listed in the particular zoning districts of Table 4-1,shall be preserved, proposed structures shall not dominate, in an incompatible manner, any existing general development or adjacent building which is substantially in compliance with this article. This may be accomplished by use of appropriate site design, architectural features, and/or landscaping to reduce the appearance of excessive and inappropriate height or mass of proposed structures. When viewing the site in a direction perpendicular to the adjacent roadway, no more than sixty (60) percent of the view to property or open space beyond the site may be obstructed by structures and in no case will more than three hundred (300) feet of uninterrupted structure with no view to the property or open space beyond be allowed.

D. The architectural design of structures and their materials and colors shall be visually harmonious with the overall traditional appearance and cultural history of the township and region, that is, structures which are designed to be unobtrusive and which are situated and landscaped in a manner to blend with or to be complementary to natural land forms and existing vegetation or vegetation indigenous to this region.

E. Structures shall demonstrate the general principles of good design including, but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with adjacent structures where such structures are substantially in compliance with this Article.

1) Pitched roofs with a minimum slope of 4/12 and with wide overhangs are strongly encouraged. False mansard roofs are not acceptable. Shingles, metal standing seam, tile or other roof materials which are nature-blending in texture and appearance are considered appropriate to the township and regional character.
2) Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape and form or by unbroken extension of line shall be avoided. Excessive ornamentation shall be avoided to prevent visual clutter. All facades of a building or structure which may be visible from a roadway, an adjacent consideration. Exterior building components such as windows, doors, eaves and parapets shall have balanced proportions. Screening of monolithic or monotonous facades by means of trees or other vegetation may be considered in design reviews.
3) 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.
4) 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.
5) Exterior architectural, display and decorative lighting visible from the roadway shall be generated from concealed light source, low level light fixtures. Refer to items (7) and (9)b in this section for other types of lighting and to Article 11 Exterior Lighting. The most restrictive regulations shall apply.
6) All interior lighting shall be so designed to prevent the light source or high levels of light from being visible from the corridor roadway.
7) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspouts are to be recognized as architectural features and are to be treated to match the color of the adjacent surface or an approved complementary color.
8) 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.
9) In any design in which the structural frame or mechanical components are exposed to view as architectural features, the structural materials shall be compatible within themselves and the overall structure design and their surroundings.
10) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways with materials harmonious with the building. Solid Waste collection and storage facilities shall be designed to accommodate trash collection and recycling as well as composting, if the planned use will generate compostable waste.

11) Structures shall be so sited or screened by means of berms and/or vegetation that garage doors and larger service entrance doors are not visible from the public roadways.
12) The outdoor display of vehicles, equipment, boats, etc. for sale shall be limited to not more than four (4) representative units. All other such units, if not stored or displayed in a completely enclosed structure, shall be fully screened from view from public roads and all adjacent properties by means of berms and/or vegetation barriers or fences, approved by the Planning Commission, which shall be maintained to be fully effective year around. Units being serviced or stored shall be similarly enclosed or screened.
13) Structures, whenever reasonably possible, shall be oriented to the sun, with window sizing and placement, roof overhangs or awnings, and landscaping designed to provide shade and wind protection to achieve economies in heating and cooling costs.
14) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting may be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.

F. The landscape plan for any proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the landscape characteristic of the township and region. Natural appearing landscape forms are strongly encouraged as is the planting of indigenous plant species; formal plans and the appearance of straight hedges are discouraged. Landscaping shall be required between buildings and sidewalks, parking lost and driveways. The scale of the proposed landscaping shall be in proportion to the building.

G. Site lighting shall be low-level from a concealed light source fixture and shall not spill over into adjoining properties (except with the written consent of the adjoining property owner and the concurrence of the Site Plan Review Committee and the Planning Commission), road right-ofways, waterfronts, parks or wetlands. Nor shall site lighting interfere in any way with the vision of motorists. Exterior lighting shall also comply with Article 11.

H. To the extent that they relate to both appearance standards and resource conservation, the design standards and construction techniques of any proposed development shall be responsive to energy consumption and environmental quality considerations such as heat loss, heat gain, air emissions and runoff water retention and discharge quality.

I. Streetscape Improvements:

1) Streetscape improvements include those architectural or functional facilities or structures which occur on site but are not part of the building and which encourage and facilitate human interaction with the environment. Examples include, but are not limited to the following: 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. These improvements shall be designed to be consistent with all guidelines of this section and shall be reviewed for design function and compatibility with the character of the Township.
2) Decorative, low-level intensity, non-concealed source lighting which defines vehicular and/or pedestrian ways may be acceptable if part of a lighting

masterplan. It is strongly discouraged as general lighting for a development. The plans must show the relationship of the fixtures and the light patterns to each other, to the overall sight, to other proposed or existing development (to the extent it is known), and the COPUD Zoning District.

J. Signs

1) All signs shall meet all requirements of Article 14. The Site Plan Review Committee and/or the Planning Commission may place further requirements on signs visible from adjacent roads if consistent with the provisions of this Article.
2) New or replacement signs in the COPUD District shall receive approval from the Site Plan Review Committee prior to installation.
3) The Site Plan Review Committee and/or the Planning Commission is authorized to approve or disapprove the appearance of features on such proposed signs. Signs will be reviewed for compliance with the guidelines of this section and for compatibility with the township character. The Zoning Administrator's approval shall be given only after the Site Mas Review Committee and/or the Planning Commission's approval is granted.
4) The amount of information on signs shall be no more than is necessary to provide reasonable identification of the business and whether the business is open or, in the case of hotels or motels, whether there are vacancies. "Open" or "Vacancy" signs shall be no more than two (2) square feet in area and shall be incorporated in the free standing sign which identifies the business.
5) Flags: (1) Non-governmental flags are deemed to be signs and shall be subject to the provisions of this article and Article 14. Poles or any other means used to fly flags are deemed structures and shall be subject to the restrictions on structure heights (see Table 4.1).

6.09 LANDSCAPE STANDARDS

The information required for Site Plan Review shall include a detailed and comprehensive Landscape Plan for the entire project which achieves the following objectives:

A. retains existing trees insofar as possible and retains natural or existing topographic patterns which contribute to the beauty and utility of the development.
B. addresses the functional aspects of landscaping, such as drainage, erosion prevention, wind barriers, provision of shade, sound absorption, dust abatement, and reduction of glare.
C. enhances architectural features, strengthens vistas and important axis and sight lines.
D. achieves unity of design by repeating certain plant varieties and other materials and by correlation with adjacent developments.
E. selects plant material for interest in its structure, texture, and color and also for its ultimate growth. Indigenous plant species and others that will be hardy, harmonious to the design and of attractive appearance shall be used. A list of species which are recommended to be used or to be avoided may be obtained from the Zoning Administrator.
F. enhances parking areas and related vehicular and pedestrian trafficways with landscaped areas, including trees and tree groupings.
G. protects plants from injury by pedestrians or motor traffic with appropriate curbs, tree guards, or other devices.

H. where landscaping is used as screening, it shall be equally effective in winter and summer and shall attain a height and density so that it provides the full desired effect within three (3) years growing time.
I. controls run-off of fertilizers and pesticides.
J. minimizes watering and maintenance requirements.
K. in areas where general plantings will not prosper, other material is used such as wooden, brick or stone fences, wall, and pavings of wood, brick, stone, gravel or cobbles. Suitable plants shall be combined with such materials where possible.
L. 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.
M. is consistent with the regulations, guidelines and intent of Article 10 Landscape Standards.

6.10 INTERIOR ROADS, SERVICE DRIVE, AND PATHWAY STANDARDS

The interior road and service drive system shall conform to the standards for design and construction of the Grand Traverse County Road Commission if the road/drive system is to be dedicated as a public right-of-way. The interior road/drive system may however, consist of private roads and may, for the purpose of lessening impact on the site, have reduced right-of-way widths, turn radii, surface widths, and greater permissible grades provided that the standards for construction and quality meet or exceed the standards for paved local access roads of the County Road Commission and further provided that the road/drive system provides adequate and safe access for both ingress and egress of emergency equipment. When a development uses a private road/drive and/or a private pathway system, all deeds and agreements affecting lands having access to the private road/drive and/or path system shall mandate the formation of an association or corporation for the purpose of managing and maintaining the system and require the owners of those lands to approve a special assessment district if necessary as a means of funding the maintenance or improvement of the private road/drive and/or pathway system.

6.11 SPECIAL DESIGN STANDARDS AND REGULATIONS

For Special Land Uses, the standards and requirements associated with Article 13 apply along with the design standards in this Article.

6.12 PROCEDURE FOR REVIEW AND APPROVAL:

A. The grant of a planned unit development application shall require a rezoning, i.e., an amendment of the Zoning Map constituting a part of this ordinance so as to designate the property which is the subject of the application as planned unit development. Further, an approval granted under this Article, including all aspects of the final plan, and conditions imposed, shall constitute an inseparable part of the zoning amendment.
B. All planned unit developments shall be subject to the full site plan review procedure as set forth in Article 12 of the Ordinance, including not less than one public hearing, notice of which hearing shall be given by two publications in a newspaper of general circulation in the Township, the first to be printed not more than 30 days nor less than 20 days and the second not more than 8 days before the date of the hearing. Not less than 20 days' notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline and telephone public utility company, and to each railroad operating within

the district or zone affected, that registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice. Written notice of the hearing shall also be given to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of a single and two family dwellings within 300 feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the meeting. The notice shall be made not less than 8 days before the hearing and shall state the time, place, date and purpose of the hearing.

In addition to the information required under Article 12, the application for a planned unit development shall include:

A. Statement of intent of proposed use of land and phasing of the project. Later phases of the development may be revised to allow for different building types when the possible need for such deviation is indicated on the approved plan.
B. 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 a condition of approval of the application and site plan.
C. All known natural resources and natural features to be preserved.
D. Density calculations, number and types of units (if applicable), and floor area per habitable space.
E. 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.
F. In the event the property on which the project is to be situated consists of ten (10) acres or more, a community impact statement shall be submitted as part of the application.
G. A detailed landscaping plan.
H. 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.
I. Within a reasonable time following the public hearing and completion of the site plan review process, the Township Planning Commission shall consider the application and prepare a report recommending that the application be denied, approved or approved with conditions. The report shall include the basis for the recommendation together with the documents related to the planned unit development request. The report and documents shall be transmitted to the Township Board for consideration in making a final decision.

6.13 PERFORMANCE GUARANTEES:

The Planning Commission may require reasonable performance guarantees, as authorized under the Michigan Zoning Enabling Act to insure completion of improvements.

6.14 CONDITIONS:

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.

6.15 PHASING AND COMMENCEMENT OF CONSTRUCTION:

A. Phasing: Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence 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 same in the application submitted 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.

6.16 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.

6.17 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 rezoning to 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.

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

SPECIAL MEETING
DRAFT MINUTES
Wednesday, July 1, 2026, 6:00 p.m.

CALL TO ORDER:
Chair Stratton called the meeting to order at 6:07p.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): Unknown

ROLL CALL: Secretary Peltonen called Roll.

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

A quorum was established.

Absent: None.

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA: No changes.

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

DECLARATION OF CONFLICT OF INTEREST: None.

PRESENTATION OF NFORMATION ON ARTICE 6:
Corridor Overlay Planned United Development Zoning District with New Overlay District M-72 Corridor Overlay District

Chair Stratton explained this Special Meeting is to discuss the proposed repeal and replacement of Article 6-Planned Unit Development. The current COPUD (entitled M-72 OVERLAY PROPOSAL) presents some ambiguity and vagueness about permitted uses and development standards. It is important for property owners to know how their property is zoned, Master Plan contents, requirements for development/redevelopment and prospective rezoning of property.

Note: A short recess was taken due to livestream technical issues. The meeting resumed after five minutes.

Meeting packets included the proposed Article 6 and an information sheet.

Mr. Andy Aamodt of Planners, Giffels Webster joined the meeting via Zoom to clarify what is required and standards to be met.

He delivered a PowerPoint presentation explaining a Planned Unit Development (PUD), a Zoning Overlay, specifically the proposed M-72 Corridor Overlay District, Proposed Changes and Next Steps. He also discussed particulars related to the

current update process of Whitewater Township's Zoning Ordinance. Mr. Aamodt addressed specific proposed changes to Article 6 and Sections 6.02, 6.03, 6.05, 6.06, 6.08, 6.09 and 6.12.

PUBLIC COMMENT:

Ms. Kim Mangus: Seeking clarification regarding the COPUD moving from an optional design tool to a mandate. Chair Stratton responded there is no underlying zoning on the existing COPUD and allowed uses. Mr. Aamodt explained the Ordinance does not state "optional" and there is no clarity in the current language as to what governs uses in this district.

There was additional discussion with Ms. Mangus who stated the original intent within the PC was that the underlying zoning remained in place and the proposal in an Overlay District. Mr. Aamodt recommended research whether there were any conditions and discussed design standards of an Overlay. He stated the proposed changes offer improved clarity.

Mr. Mielnik had reviewed the 30-year old Ordinance and each element of it, indicating the standards. The proposal clarifies what is required, stating the most appropriate approach is an Overlay District. Ms. Merchant also commented about clarification purposes of the proposed Overlay District. Mr. Aamodt reiterated the importance of this.

Ms. Renee Savage, Renee's House of Quilting: Owns a business in the COPUD. Has been told she is grandfathered in; however, the Overlay will affect her if she sells upon retirement. Her concern is the foundation and landscaping/berm requirement blocking the business from view of the road and safety impacts.

Mr. Aamodt explained options for parking lot screens and the safety purposes for them. Chair Stratton noted this is also related to the frontage greenbelt.

Mr. Mike Conlin: Expressed that snow is difficult to remove and a berm or wall creates additional drifting.

Mr. Mike Fowler, M-72 Animal Hospital: Addressed issue of excessive snow piles at driveway blocking visibility for exiting customers. Berm requirements could add to these difficulties. The requirements of this proposal are an additional burden to business owners in this corridor.

Mr. Jim Maitland: The proposal does not clarify whether a berm is required if he should choose to put a parking lot behind his building. Article 6.07(a) should include other material options than siding, paint color requirements need to be reconsidered, and the Site Plan Review of 25 items should also be looked at, particularly soil types.

Mr. Ryan Kratchovil, Hutson John Deere: The proposal needs clarification of the "four vehicle rule." ZA Graber noted Hutson is allowed to have 150 items on their industrial property; Ginops has a COPUD. She stated Hutson may apply to amend their Site Plan Conditions with the Planning commission.

CORRESPONDENCE:
Mr. Jim Maitland – COPUD/Site Plan Review

ADJOURNMENT:

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

The meeting adjourned at 7:12 p.m.

Submitted by: Kay Z. Held, Recording Secretary

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

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

CALL TO ORDER:
Chair Stratton called the meeting to order at 7:13 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): 3 (approximately)

ROLL CALL: Secretary Peltonen called Roll.

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

Rod Rebant, Member
Randy Mielnik, Township Board Trustee

A quorum was established.

Absent: None.

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA:
Unfinished Business, Item 11(c): "Amendment to Article 6: PUD" should read "Amendment to Article 6: COPUD"

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

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT:

Mr. Jim Maitland: In the Planner's presentation during the 7/1/26 Special Meeting, he repeatedly stated "we" when in fact it is the Planning Commission doing the decision making.

Ms. Kim Mangus: Business owners have concerns about the proposed Overlay District including a wall to hide parking lots, reduction in allowable signage, landscaping requirements, and display area allowance. Three of the four COPUDS on the map were not COPUDS when developed. Ginops and Renee's House of Quilting are not COPUDS. She believes there is an error in the map.

Ms. Renee Savage: Snow removal is an issue. The Commercial District is not being properly represented. Berming and fencing parking lots is not realistic.

Ms. Carol Hockin, Acme Christian Food Store and Pantry: Property was purchased in 2012. Cars in the parking lot face east and west, and headlights do not face M-72. As a past Township Clerk and Planning Commission Member when the

COPUD was put in 30 years ago, the PC Chair attended a conference resulting in objectives for the M-72 Corridor. No one understood this at the time.

APPROVAL OF MINUTES:
June 3, 2026, Regular Meeting Minutes of the Planning Commission: Amendments: No

Board Action: Ms. Stratton made a motion to approve the Minutes of the June 3, 2026, Regular Meeting as presented. Mr. Trumbull seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

CORRESPONDENCE:
Mr. Jim Maitland – Article 6
Ms. Debra Lytle – STR Survey
Anonymous, to Mr. Kelley Sullivan of EPIC – Crisp Road STR

REPORTS / PRESENTATIONS / ANNOUNCEMENTS / COMMENTS:

Zoning Administrator – Deb Graber: ZA Graber's report was in the meeting packet. She additionally reported:
8 new Permits during the month of June
1 Land Division (pending)
3 closed complaints
Land Use Application was updated.

The STR jury trial has been rescheduled from 6/17/26 to 9/29/26 at 1:00 p.m.

In reviewing the proposed COPUD District and working with businesses, she recommended eliminating it; making the existing four properties Commercial or Industrial. Conditions may be placed on properties through a Site Plan Review. Mr. C's new owner does not want to put in more trees in front due to visibility. Landscaping, lighting, etc., are not cross-referenced from the COPUD to other Ordinances.

Planning Commission Chair – Rene Stratton: Will present report under "Unfinished Business – STR Survey"

Township Board Representative – Randy Mielnik: He will address the Civil Infraction issue later in the Agenda. The Township Board is in the process of redesigning the website. Any input to improve user accessibility can be directed to the Township Clerk. He delivered a Township Board presentation regarding the Land Division Ordinance in connection with the Master Plan.

ZBA Representative – Scott Trumbull: The ZBA met on 6/25 /26. A public comment from Ms. Lytle was reviewed. Minutes were approved to formalize the denial of the Olsen's variance request. Article 20 verbiage of the Zoning Ordinance was reviewed; the ZBA will revisit this at its next meeting. There will be a variance request at the July meeting.

ROWG (Resident Outreach Work Group) – Rod Rebant: The ROWG is ready to move forward and has developed a six-month plan for the Capital Improvement Plan focus points. They include:

-Fire Station (equipment/land/assets)
-Parks & Recreation
-Township Facilities
-Cemetery and other Unimproved Lots

Their objective is to complete the tasks by year's end. The asset inventory will be comprehensive regarding value, depreciation, location, insurance implications.

The ROWG met with the Fire Chief and conducted a walk-through of the fire station. The Chief has greatly improved organization of this small facility which includes utilizing storage containers for fire training. There is much equipment including new fire engines, an ORV and rescue boat. A database is being provided to the Township Board. The Fire Chief is currently also serving as Manager of Parks & Recreation.

There is one opening on the ROWG; new members are welcome.

Additional Items: None.

UNFINISHED BUSINESS:

Amendment to 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 13.17), Amendments to Article 19-Administration, Amendments to Article 2-Definitions:

Chair Stratton explained the above motion was passed at the 6/3/26 meeting; however, Amendment to Article 5, 13.17(c) was part of the packet and discussed at the Public Hearing; however, was inadvertently omitted from the Public Notice.

Mr. Aamodt encouraged, in an abundance of caution, that the PC amend this motion to ensure Article 5, 13.17(c) is specifically included as it was not itemized in the Notice.

Mr. Mielnik stated moving Special Use Standards to Article 5 could create some confusion. Mr. Aamodt will offer language to clarify. Article 5 would be removed from the Findings of Fact adopted at the last PC meeting.

Ms. Peltonen referenced the 100-year flood boundary/special flood hazard areas are related to the setbacks in the Ag District. Mr. Mielnik does not believe so. The floodplain is a FEMA regulatory area.

Board Action: Mr. Mielnik made a motion based on the specific findings and conclusions discussed pursuant to Article 21 in the Whitewater Township Zoning Ordinance, the Whitewater Township Planning Commission recommends that the Board:

repeal and replace Article 7-Planned Unit Development for the purpose of Master Plan alignment, procedural updates, density allowances and other minor changes pertaining to clarity and redevelopment;

amend Article 8-Condominium Development regulations to provide for a residential cluster option to encourage open space preservation, update requirements including those for landscaping including minor changes pertaining to readability;

amend Article 12-Site Plan Review to improve process, clarify approval and validity details and other minor details pertaining to the clarity and readability;

amend Article 13-Special Land Uses to delete redundant language, clarify approval and validity details and other minor details pertaining to the clarity and readability;

amend Article 19-Administration to provide clarification on Land Use Permit processes and other minor changes pertaining to clarity and readability;

and Amend Article 2-Definitions to accompany the preceding Amendments above.

Mr. Rebant seconded the motion.

Note: there were technical difficulties due to Township internet access.

Board Action: Ms. Stratton made a motion to continue the meeting without the online aspect at this time until the technical provider is able to re-establish service. A public record is maintained through the Recording Secretary. Mr. Trumbull seconded the motion.
VOTES: YEAS: All. NAYES: None. Motion carried.

There was additional discussion; Mr. Rebant inquired about a tracking process of Amendments.

ROLL CALL VOTE (to above Mielnik motion):
Merchant-Y, Peltonen-Y, Trumbull-Y, Rebant-Y, Sherman-Y, Stratton-Y. Motion carried.

Amendment to 13.17 and Article 5 – PC Discussion: Mr. Aamodt provided information regarding proposed Article 5 Amendments and the application to all uses. A memo discussing each item for edit/adjustment is in the meeting packet. There was additional discussion among PC Members regarding verbiage. Article 5 will be revisited during the next bundle review of the Zoning Ordinance.

Board Action: Ms. Stratton made a motion to schedule a Public Hearing on Wednesday, August 5, at 7:00 p.m. at the next PC Regular Meeting on proposed text amendments related to relocation of use-specific standards from Article 13.17 to Article 5 of the Zoning Ordinance, and to make minor modifications to correct typos, address Home Occupations and to provide explanatory text with respect to requirements for permitted by right and special uses. Ms. Merchant seconded the motion.
ROLL CALL VOTE: Peltonen-Y, Trumbull-Y, Rebant-Y, Mielnik-Y, Stratton-Y, Peltonen-Y. Motion carried.

Amendment Article 6: COPUD – PC Discussion: Mr. Aamodt reviewed this Article, prospective content changes and minor typos/corrections as well as improving clarity and developing more tangible standards.

DISCUSSION:

Mr. Mielnik: Addressed the origin of the COPUD and four rezonings; to his knowledge the map is correct. He referenced the initial Master Plan survey comments, some of which ultimately drove the M-72 COPUD albeit confusing. He supports more precise standards and the collective vision of M-72's vision in an Overlay. He commented perhaps this is not the time for an Overlay District.

Ms. Peltonen: Asked for clarification of some terminology. She is interested in business input.

Ms. Merchant: Understands public comments this evening. The Overlay District appears to be urban; she is unsure it fits with the rural M-72 corridor. She doesn't see cohesiveness in an Overlay District over the next several years. Restrictive business is very difficult; however, commercial requirements exist. She recognizes the Master Plan contents.

Mr. Rebant: Expressed agreement with Ms. Merchant.

Mr. Trumbull: Has a small family business background, including his own. He agrees with Mr. Mielnik's suggestion to rework this. He is supportive of the ZA's suggestion to consider eliminating the COPUD and moving business to Commercial or Industrial.

Mr. Sherman: There is common sense in underlying zoning, eliminating the COPUD and considering Commercial/Industrial. He has concerns about the language and requirements in the Overlay.

Ms. Stratton: Expressed agreement with Mr. Mielnik's comments and is inclined to remove the COPUD, returning to Commercial/Industrial Zoning.

Mr. Aamodt provided feedback regarding PC comments.

Board Action: Mr. Mielnik made a motion to repeal Article 6 and any references to it in the Zoning Ordinance and to rezone the four properties either to Industrial or Commercial as previously existed, eliminate that District from the Zoning Map and put this issue before a Public Hearing on August 5, 2026. Ms. Merchant seconded the motion.
ROLL CALL VOTE: Trumbull-Y, Sherman-Y, Rebant-Y, Mielnik-Y, Merchant-Y, Peltonen-Y. Motion carried.

Winery and Cidery Ordinance

Legal Review: A confidential legal review and Attorney Opinion was received from attorney Peter Wendling regarding the proposed Winery and Cidery Ordinance. It was distributed to Members of the Planning Commission.

Giffels Webster Rewrite of Ordinance: Mr. Aamodt discussed his review of the draft Ordinance. He has also reviewed the Attorney Opinion. Mr. Aamodt addressed prospective adjustments to several areas of the proposed Ordinance including language and specifying standards and regulations.

There was extensive discussion with the Planning Commission to clarify content of each section of this proposed Ordinance. Mr. Aamodt will integrate changes based on discussion.

STR Survey Update – EPIC-MRA Report Due in August:
Chair Stratton reported 400 responses thus far were received. Total postcards distributed were 1,670, with seven returned as undeliverable. Due to the 4th of July holiday, the deadline has been extended through July 6; this information

will be posted on the Township website. The telephone survey was completed prior to the online survey. EPIC-MRA will tabulate the survey responses, with a prepared report expected in August.

NEW BUSINESS:

Amendment to Article 22 – Violations, Section 22.01 Penalties: The revised proposed Amendment is in the meeting packet. Mr. Mielnik reported a Township Board Special Meeting was held 6/30/26 in Elk Rapids at a larger venue.

There was public input with regard to moving to a Civil Infraction for Ordinance enforcement related to both the General and Zoning Ordinances. The Board, by motion, is directing the Planning Commission to review Article 22-Violations, per the Township attorney's recommendation. A Public Hearing should be held by the PC in order to provide a recommendation to the Board.

The Township Attorney delivered a presentation at the 6/30 meeting to discuss Civil Infractions versus Misdemeanors. The Board supports the PC in the event they would like the Township attorney present at their Public Hearing.

Board Action: Ms. Stratton made a motion to schedule a Special Meeting with Public Hearing regarding Article 22.01 and 22.02-Violations at a date and location to be determined. Ms. Merchant seconded the motion.
ROLL CALL VOTE: Sherman-Y, Rebant-Y, Mielnik-Y, Stratton-Y, Merchant-Y, Peltonen-Y. Motion carried.

NEXT MEETING: Next Planning Commission Regular Meeting:

Wednesday, August 5, 2026, at 7:00 p.m., Township Hall

PUBLIC COMMENT:

Ms. Kim Mangus: Thanked the PC for their action about the M-72 COPUD/proposed Overlay District. She referenced several sections that warrant consideration for the Industrial & Commercial Districts. She suggested how the terms "permanent cabins" and "yearly review" for Home Occupations might be used. Regarding the Board's Special Meeting last night, she encouraged everyone to view the YouTube recording to familiarize what was discussed. She supports scheduling the Article 22 meeting at a different venue.

PC DISCUSSION / COMMENTS: None.

CONTINUING EDUCATION: None.

ADJOURNMENT:

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

The meeting adjourned at 10:04 p.m.

Submitted by: Kay Z. Held, Recording Secretary

DRAFT

WHITEWATER TOWNSHIP PLANNING COMMISSION
Historic Elk Rapids Township Hall, 401 River Street, Elk Rapids, MI 49629
Whitewater Township Hall 231-267-5141 Phone / 231-267-9020 Fax

SPECIAL MEETING
DRAFT MINUTES
Wednesday, July 22, 2026, 6:00 p.m.

CALL TO ORDER:
Chair Stratton called the meeting to order at 6:00 p.m.
The Pledge of Allegiance was recited.
A microphone check was done.

Public Attendance On-site: 16 (approximately)
YouTube Live Stream View: 15 (approximately)

ROLL CALL: Secretary Peltonen called Roll.

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

A quorum was established.

Absent: Michael Sherman, Member (unexcused)

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA: No changes.

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

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT:

Mr. M. Jacobson: Complimented the PC, stating their last PC meeting was the best in a long time, particularly discussion regarding M-72. He noted Ms. Merchant's and Mr. Mielnik's input. The principles of following the majority of the public apply at every level of government. His interpretation of Mr. Rebant's opinions appeared that he would like deliberation on the issue and not make hasty decisions. The public has asked for a survey on this issue.

Ms. J. Mangus: The Elk Rapids Wednesday night event downtown made it challenging to get to this facility.

Mr. R. Steelman: The PC sounded open-minded at the past meeting and considered suggestions of the public.

Ms. B. Dean: Expressed concerns about her and others not receiving the STR survey; hers arrived the day before the deadline.

Mr. Jim Snider: His interpretation is that the CIO is focused primarily on the Junk Ordinance and the parking issue. He asked the PC to share urgent matters related to CIO.

Mr. Glen Savage: Inquired why this meeting was being held in Elk Rapids/Antrim County and not at the Whitewater Township Hall in Grand Traverse County.

PUBLIC HEARING:

Open Public Hearing: Ms. Merchant made a motion to open the Public Hearing. Mr. Rebant seconded the motion. VOTE: YEAS: All. NAYES: None.

Note: The Public Hearing opened at 6:16 p.m.

Request those attending sign attendance sheet.

State Date of Public Hearing Notice Publication and Newspaper Published in:
Traverse City Record Eagle on 7/7/26.

State Purpose of Public Hearing: To receive public input on Zoning Ordinance Amendment #2026-04, Article 22-Violations.

Brief Introductory Presentation (PC Chair):
Chair Stratton responded as to the multiple reasons this Special Meeting was chosen at this location; i.e., expected large turnout that couldn't be accommodated at the Whitewater Township Hall, technical service availability for LLIA and scheduling considerations.

The purpose for this meeting is to discuss Civil Infractions and misinformation that has been in the Township. The Township Board held a similar Special Meeting on this matter on June 30. The PC will be discussing an Amendment to the Zoning Ordinance, not the General Ordinance. Final determination on the PC's recommendation is made by the Township Board.

Chair Stratton provided a history on municipal civil infractions and criminal Ordinance infractions. The PC is in the process of updating the Ordinance per the requirement of the 2025 Master Plan. Amendment of Article 22 would bring the Township up to date with Zoning practices.

The Township attorney's 6/30/26 presentation is in the meeting packet comparing misdemeanor offenses to civil infractions including processes. Ms. Stratton went on to outline the accompanying flow chart.

The District Court's document clarifying several issues was received today, is in the meeting packet and will be added to the website.

Read Any Written Comments Received: Seven written comments were received opposing the amendment. Five written comments were received in support of the amendment.

Receive Public Comment:

Opposed:

Mr. R. Steelman: Opposes the CIO. The $500 daily violation is unrealistic. He questioned why it is in the Amendment if the attorney stated it is never applied. The verbiage sounds like that of an HOA. The Township is widely varied in its demographic. There are too many rules. The PC needs to look at this thoroughly, and it needs to be reasonable and tolerable.

Ms. G. Savage: Opposes the CIO. We are still a democracy. The Amendment proposes sentencing people on misdemeanors to a life of scrutiny. He has past law enforcement and PC experience and understands how it should function.

Ms. B. Dean: Opposes the CIO. It is targeted to people trying to survive. The area needs to diversify and support those trying to do things the legal way. The daily charge is a big concern. When people stay at her VRBO, she refers them to the great local businesses. We need to work together to solve this issue.

Ms. K. Mangus: Opposes the CIO. There have been five or six meetings with 75-125 attending. The small turnout tonight is because it's a foregone conclusion the Board is going to pass this and the PC can't do anything about it. The public remains overwhelmingly opposed.

The current ZA is asking people to take photos of neighbors when no complaint was brought forward by them. This change removes protections and reduces constitutional right to trial by jury. Recommending this Amendment is a violation of the Oath of Office. She asked the PC to hear the public, something the Board is not doing. The PC should remove the $500 per day fee. She asked the PC not to forward it to the Board with their support.

Mr. M. Jacobson: Read aloud Roberts Rules of Order, as reinforced by OMA and the PC's bylaws, verbiage regarding requirements to hold meetings within its Township. PC Members took an oath to uphold the Michigan and U.S. Constitutions. Zoning applies to health, safety and welfare.

He would like to know from where the PC derives legislative authority. He read aloud that legislative authority is held at the State's Senate and House. Subsequently he questioned whether the Michigan Zoning Enabling Act is constitutional. The PC has a duty to the public, not the Board. The Nuisance language is too vague.

Ms. J. Mangus: Opposes the CIO. She inquired about the time limits for Public Comment during each section and topics. She inquired about the cost to rent this venue; Chair Stratton replied $200. She is curious about the violation fee and the language using "shall."

Mr. J. Snider: The $500/each occurrence is unacceptable. If the attorney said he's never seen a judge assess that, it shouldn't be in the document. Agrees with the HOA references made by others. The definition of Junk is a matter of opinion. Let people live their lives as long as it is not affecting others.

Ms. R. Savage: She is on the fence for or against the CIO. Rules, regulations, consequences and how it is enforced are important. The $500/day is high and ridiculous. She wonders who determines the violation.

Ms. K. Mangus: - acknowledged by Chair Stratton. Ms. Mangus was asked to express the comments of others. She asked if the PC intends on reading Correspondence as it is stated on the Agenda. This is a Public Hearing; the PC should hear the public.

Mr. Mark Williams: Opposes the CIO. The $500/day fee is a concern as is verbiage "will" vs. "can." He addressed Junk and relayed a friend's experience buying scrap iron/junk, which resulted in $40k. In his own experience, the agent for his homeowner's insurance cancelled his policy due to what they deemed as Junk. He questioned who decides what is Junk.

Ms. Brenda Baker: Opposes the CIO. It is too vague, the $500/day penalty is not fair and the PC is putting the cart before the horse. Other hot topics include Junk and STRs which need to be figured out first.

Chair Stratton Read Aloud the Public Comments Received in Opposition:

Mr. E. Johnson: Opposes the CIO. Supports STR regulations. He owns a seasonal cottage on Island Lake and planned to do short-term renting to justify the investment at the time. He recognizes the need for an infraction Ordinance for parking and noise violations; however, does not understand regulations that punish responsible families. He has strong relationships with neighbors and sits on the Island Lake Association Board. It is prejudicial to be lumped in with irresponsible owners. He also addressed diversity bias.

Mr. G. Chadha: Opposes the current CIO draft language and agrees enforcement is necessary. The attorney stated a judge wouldn't assess the $500 daily fine; however, it remains in the current draft. He questioned who decides a violation has been resolved and whether the Township is responsible for covering a resident's legal fees if they are found to be correct.

Ms. K. Bowman: Opposes the CIO. Her correspondence outlined many points about cost ramifications and suggestions made that could resolve issues and promote community stewardship. She has asked to be on resident committees, without being contacted. She and her neighbors support others. Every meeting is full of opposition, people do not feel heard and there have been no words of compromise.

Ms. M. Rohraff: Opposes the CIO. It is in everyone's best interest to improve the Zoning Ordinance.

Mr. J. Rohraff: Opposes the CIO. It is imperative the Board listens to the community and crucial to improve the Zoning Ordinance.

"Tom": He provided a statement to the PC from a resident fearful to speak out. The resident is against the CIO with neighbors turning on neighbors, lawyers making all the money and the Township going to court. This is a no-win for the public. The Township is not an HOA.

Ms. R. Steelman: Opposes the CIO. The PC has encouraged the public to ask questions and hopes this continues. This Amendment is not ready, lacks an internal appeal process, has no clearly defined schedule or due process protection, encourages neighbor against neighbor complaints and grants enforcement authority without safeguards against abuse. The Zoning Ordinance needs to align with the Master Plan. These matters should be resolved prior to adopting an enforcement policy.

In Support:

Mr. T. Slopsema: Supports changing from criminal to civil infraction. At the 6/30/26 Special Township meeting, a property owner stated she spent a day in jail over a Zoning issue. This demonstrates the reason to switch to a civil infraction enforcement. Changing to civil infraction allows property owners an informal hearing, no threat of jail time or excessive attorney fees and no criminal records. An impartial party determines the outcome. It would also allow the ZA to do her job. Public Act 110 of the Michigan Zoning Enabling Public Act was to avoid residents being jailed over Zoning violations and treat them as civil in nature. Residents have the option to vote this down in a referendum.

Mr. D. Soper: He was misrepresented at the 6/30 meeting and is a long-term resident. He takes care of his property. The Zoning Administrator is trying to do her job and needs the authority to enforce. The civil infraction sounds like the way to achieve this.

Note: Chair Stratton Read Aloud Correspondence Received in Support of the Amendment:

Mr. G. Zenas: Supports the CIO and switching from municipal to civil infractions. It will save taxpayer money, make enforcement easier and allow the ZA to help people over dealing with the law.

Ms. H. Vollmuth: Supports the CIO. The CIO doesn't create new Zoning regulations or take away property rights. There is due process. Nearby townships have civil enforcement in place. Whitewater needs a way to enforce existing ordinances. The Township is a zoned community where the Board is to protect the health, safety and welfare and character of our neighborhoods. Without enforcement, Ordinances become optional. Surrounding communities all have civil enforcement.

Mr. J. Zenas: Supports the CIO and transferring from municipal to civil enforcement, making enforcement more effective. The current municipal infraction method is time consuming, is excessive in cost, and consumes Township resources. Civil Infraction is more efficient yet holds violators accountable. The ZA's role is to educate residents and help residents with compliance. Surrounding townships employ civil infraction enforcement.

Ms. J. Zenas: Supports the CIO. Whitewater is one of the few in the area to rely on a punitive municipal infraction process. This change is less punitive, ensures violations are addressed appropriately and focused on achieving compliance. It reduces enforcement costs and enables the ZA to perform in her role. It is a balanced approach for residents and brings the Township in line with other municipalities.

"Spence" (per email): Supports the CIO. Taxpayers should not be burdened with court costs from a small number of people who choose not to follow the Ordinances. He owns his home and pays his taxes, and should not have to pay for the consequences of others violating Ordinances. Whitewater is a zoned community.

Close Public Hearing: Ms. Merchant made a motion to close the Public Hearing. Mr. Trumbull seconded the motion. VOTE: YEAS: All. NAYES: None.

Note: The Public Hearing closed at 7:20 p.m.

CORRESPONDENCE: The following correspondence was received regarding Short-term Rentals. Chair Stratton read them aloud.

Ms. J. Hofer: Support keeping STRs legal. Protecting the community without banning STRs could include requiring owners to live in the home a minimum of six months during the year, preventing corporations or large investors from purchasing the property solely for short-term renting. She detailed benefits to STR property owners. She asked the Township to consider reasonable regulations to protect neighborhoods rather than an outright ban.

Ms. A. Wollangur: Opposes attempt to limit STRs. Her family owns five properties on Elk Lake, some of which have been rentals for two decades, with nominal issues. It is unjust for neighbors to limit financial opportunities. Objections related to noise, trespassing and loss of privacy can be dealt with through local enforcement. It is not neighbors' business how she uses her property so long as she doesn't disturb them and vice versa.

NEXT MEETING:
Planning Commission Regular Meeting: **Wednesday, August 5, 2026, at 7:00 p.m., Township Hall**

PUBLIC COMMENT:

Ms. K. Mangus: The PC stated they will discuss the proposed Amendment; she disagreed that, according to the order of the Agenda, Public Comment should be held after the PC's discussion. This is not typical. She asked the PC to reconsider this arrangement.

Chair Stratton queried PC Members for a consensus to reconsider this matter.

Board Action: Ms. Merchant made a motion to adjust the agenda to hold "PC Discussion" prior to the second "Public Comment." Mr. Trumbull seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

PC DISCUSSION (Article 22):

Ms. Peltonen: The PC's role is to establish Ordinances everyone can live by while balancing rights of property owners with the Township's responsibility to protect residents' health, safety and welfare. This is a zoned community, which has evolved. Ordinances reflect change while protecting property rights and values while maintaining rural character. She has listened to Public Comments and Correspondence.

Most area Townships have a CIO to ensure compliance with Zoning regulations and is considered best practice over criminal prosecution. It is also an efficient use of tax dollars. A CIO is an enforcement tool, but does not change any Ordinance. In the 1/2/12 Code Enforcement Policy & Procedure Manual, the ZA works toward compliance. Non-compliance tickets are a last resort. A CIO avoids criminal prosecution.

She supports changing from a criminal to a civil infraction. Verbiage regarding the $500 fee needs to be clarified. Public input is important by attending PC meetings and sharing comments.

Mr. Rebant: Many comments justify consideration of the CIO approach. The 2025 Master Plan demonstrates problems dealing with offenders. The civil infraction approach is the more appropriate one to deal with non-compliance over criminal court proceedings. The Township committed to deal with Junk and Blight. That time is now. Many ZAs resign due to poorly written Ordinances.

There is division in the community regarding Short-term Rentals. The Township entities set resolution of this matter as a short-term goal.

Ms. Merchant: Article 22 is outdated to the modern civil infraction system. The civil ticket system decriminalizes zoning violations and saves taxpayer dollars on legal costs. It also ensures corporations and commercial entities cannot hide behind loopholes to avoid property maintenance codes. Whitewater is a zoned community, not an HOA. She supports property rights and ensuring code enforcement is fair.

The updated Appendix C framework establishes a clear buffer. The ZA or Supervisor should be a neutral party. There is a process toward compliance without criminal action, which is extreme. The community perception that the CIO is to punish STRs is incorrect. It applies equally across the Township.

She represents the Agriculture community on the PC. The Definitions in Article 5 relating to Junk and Outdoor Storage are outdated and subjective, leading to a risk of arbitrary enforcement.

She encouraged residents to attend the August 5 Public Hearing.

Mr. Mielnik: His 30-year career includes that of a professional Planner and work as a Planning Consultant. He appreciates the Public Comments he has heard. There are technical issues and problematic language. He is concerned about the $500 fine issue as written. Township Ordinances are far from an HOA. He showcased a large, former Ordinance binder; much work has since been done by the PC in the past three years. A sensible enforcement mechanism is necessary without requiring jail time.

Mr. Trumbull: Changing Article 22 to allow municipal civil infractions holds people accountable to Zoning violations through a civil process rather than treating ordinary violations as crimes with a potential criminal record. It makes sense to have clear and fair consequences for everyone's actions. Nearly every nearby township uses civil infractions.

Ms. Stratton: Supports the change from criminal misdemeanor to civil infraction. It is the goal of the PC to amend the Zoning Ordinance to be clear and easy to use; this Amendment does not support that. The $500 daily fine section is unclear. She questioned the timeline of the flow chart, the nuisance language and presence of the severability clause. She believes this proposed Amendment needs work yet.

There was group consensus to table the matter.

Board Action: Ms. Stratton made a motion to table Zoning Ordinance Amendment #2026-04 until the Planning Commission is able to edit the Violations Article with the assistance of legal counsel. Mr. Trumbull seconded the motion. ROLL CALL VOTE: Mielnik-Y, Stratton-Y, Merchant-Y, Rebant-Y, Peltonen-Y, Trumbull-Y. Motion carried.

PUBLIC COMMENT:

Mr. R. Steelman: Thanked the PC for common sense in fixing portions of the proposed changes before executing a vote.

Ms. R. Savage: Thanked the PC for listening. Changing the fee structure of the $500 would be beneficial to all.

Ms. B. Baker: Thanked PC Members for listening to comments of the public.

Mr. G. Savage: Happy to see the PC acknowledged the public and decided to work on this further.

Ms. J. Mangus: Understands the reason to hold the meeting at this venue. The acoustics here, like Millbrook, may be difficult, particularly for a certain population of the public. She respects that the PC listened and took another look at the proposed Amendment. New PC Members in particular bring a fresh perspective, and she hopes the PC maintains the high standard shown tonight.

Mr. J. Snider: Appreciates thoughts expressed by each PC Member and listening to the people. He would like to speak at the August 5 meeting on the Junk Ordinance and Blight, which relates to health and safety on a different scale. He would like clarification on these two. He supports the PC's actions tonight.

Chair Stratton verified Junk and Blight are not part of the Zoning Ordinance. The Township Board handles the General Ordinance, unless the PC is otherwise directed. Outside Storage is part of the Zoning Ordinance under the purview of the PC.

Mr. M. Jacobson: Inquired if an individual can get any correspondence from the Township Hall. Chair Stratton replied he may do so at the Clerk's Office. Agrees with the Public Comments tonight and is glad to hear the comments made by PC Members. Also pleased the PC changed the order of "PC Comments" and "Public Comments" on the Agenda. The CIO give local government a heavy hand in requiring people to live like their neighbors. He is disappointed in the Board and PC's changing of the rules.

Ms. K. Mangus: The PC made people feel like they've been heard, something the Board has not been able to do. The Ordinance inherited by the PC/Mr. Mielnik was an abomination as evidenced by his binder. There have been improvements. People could have objected in the past when thing were approved; however, there were often no

opportunities to object; i.e., specifically STRs. Few homes in the Township are 100% compliant to Ordinances. She asked if the Township is prepared to enforce 100% of the current Ordinances 100% of the time. The answer is no.

Mr. D. Williams: This Amendment should not go forward in its current form, especially because of the $500 fine, and he appreciates the PC listening to people tonight. He would go to jail before losing his home to violations related to grass length, etc.

Mr. M. Williams: He addressed "junk," relaying a past story where an elderly relative viewed items outside a property as junk. People tailgate, speed and run red lights knowing it is wrong yet do it anyway, much like they do with Ordinances. He appreciates the PC did what is right tonight.

PC DISCUSSION:

Mr. Mielnik: Referenced the excessively large Ordinance binder on the desk previously spoken about and is pleased to see numerous improvements made by the PC thus far.

ADJOURNMENT:

Board Action: Ms. Stratton 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

DRAFT

UPDATED CIVIL ENFRACTIONS AMENDMENTS 7/27/2029
Red text = existing text to be replaced.

ARTICLE 22 - VIOLATIONS

Existing

22.01 PENALTIES

~~Any person who shall violate any provision of this Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not to exceed $100.00 or may be imprisoned not to exceed ninety (90) days, or may be both fined and imprisoned in the discretion of the court, and each day such violation continues shall be deemed a separate offense.~~

Proposed

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 **may** 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 or supervisor or designee(s) as appointed by the township board are 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.

Existing

22.02 NUISANCE PER SE

~~Uses of land, dwellings, buildings or structures, including tents and trailer coaches used, erected, altered, razed or converted in violation of any provision of this Ordinance or the regulatory measures or conditions of the Board of Appeals adopted pursuant hereto are hereby declared to be nuisances per se.~~

Proposed

22.02 NUISANCE PER SE

Any land, dwellings, buildings or structures including tents, recreational vehicles, trailer coaches or any other structure whether affixed, mobile or moveable, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits, or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared a nuisance per se.

Proposed

~~**22.03 SEVERABILITY CLAUSE**~~

~~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.~~

memorandum

DATE: July 28, 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.
- **July 1, 2026 –** The Planning Commission discussed the draft ordinance amendment, focusing on the following areas:
    - Desire to prohibit split-zoned lots from being a winery with tasting room. The lot should be entirely zoned A-1 agricultural.
    - Desire to consider all contiguous properties as part of one site/ownership to be recognized as one "zoning lot" to base the broader building coverage calculation on.
    - There should be a more descriptive list of what "brand promotional events" could mean. Additionally, there was some discussion about the Michigan Liquor Control Commission's regulation on brand promotional events.

- There was discussion about blanket occupancy caps and how this threshold could be inconsistently applied.
- Desire to not move forward with the "Large Events Permits" draft general code ordinance and permit process. Instead, the desire was to allow an administrative review zoning process for special/flexible events where outdoor tents, equipment, overflow parking, etc. can be approved by the Zoning Administrator and the Fire Department. With this, however, there was a desire to require more static or permanency in the manner the site design/layout for flexible areas should be approved. For example, on a winery with tasting room's initial site plan review, an area for special event temporary tents should be laid out clearly so that the Zoning Administrator/Fire Department special event permitting is in alignment with what had been approved and where it was approved for.
- A Planning Commissioner asked how standalone "tasting rooms" would be permitted in other districts. It would be reasonable to permit tasting rooms (also known as a variety of terms, including "tap rooms" or "tap houses" – a place that might serve beverages produced off premises) in certain districts. Planning Commission should consider if these standalone tasting rooms for wine, cider, spirits, or beer, should be permitted C-1 and perhaps in V-1 as well. It may also be worth considering if micro-breweries and micro-distilleries – which don't grow their grains/barley/wheat/hops/etc. on the premises but may still brew or distill on the premises – should be permitted in C-1 and perhaps V-1.

A key consideration 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. **However, as outlined above, the Planning Commission was less favorable towards the large events permit during discussion at the July meeting.**

Next Steps

We did not revise any text from the discussion at the July meeting; due to the recent busy agendas, we decided to keep the same draft from July. This time, we have highlighted the key discussion points from last meeting. At this August meeting, we can go over all of these points in more detail.

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.

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. Please note: text that was thoroughly discussed at the July 1, 2026 meeting is highlighted. Giffels Webster annotations are provided in ***green bold.***

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-distillery 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-distilleries 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 **[Note that Planning Commission was not very favorable with this large event permit requirement during the July meeting discussion]**

[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.

Intro for Proposed Amendment to Article 20: ZBA

Planning Commission Members:

Attached please find the proposed amendments to Article 20, as recommended by the Zoning Board of Appeals following its review at its July 23, 2026, meeting. The ZBA carefully evaluated the proposed revisions and is forwarding them to the Planning Commission for consideration of adoption.

The proposed revisions are intended to improve clarity, align Article 20 with current state law, and provide more detailed procedures for the operation of the Zoning Board of Appeals.

Key changes include:
• Updating Article 20 to better align with the Michigan Zoning Enabling Act and clarifying the ZBA's authority.
• Revising membership and appointment provisions, including the use of alternate members.
• Clarifying voting requirements and improving procedures for public hearings, notices, meeting records, and written decisions.
• Adding clearly worded, detailed standards and findings that must be met before a use or non-use variance may be granted.
• Updating requirements for conditions of approval, variance expiration and extensions, and process for appeals to Circuit Court.

Please note that with the proposed changes, the ZBA has referenced the Michigan Zoning Enabling Act, including MCL 125.3103 and MCL 125.3601 through 125.3607. Even with these references, the ZBA recommends that these provisions and all proposed amendments be reviewed by the Township Attorney before adoption, particularly the sections addressing use variances and the Township's authority under state law.

Please let us know if you have any questions regarding the ZBA's recommendations.

Respectfully on behalf of the Zoning Board of Appeals,

Wendy Hoeksema
Whitewater Township Clerk/ ZBA Secretary
FOIA Coordinator
(231)267-5141 ex 24
whitewatertownshipmi.gov

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IMPORTANT NOTICE:

ARTICLE 20 - ZONING BOARD OF APPEALS

REDLINE COMPARISON

Legend: ~~red strikethrough~~ = original wording proposed for deletion or replacement; yellow highlight = proposed new wording. Unmarked black text is unchanged.

20.01 PURPOSE OF BOARD

The Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, that reasonable flexibility be provided in the application of this Ordinance, and that the public health, safety and welfare is protected~~.~~, consistent with the Michigan Zoning Enabling Act, 2006 PA 110, as amended.

20.02 MEMBERSHIP, TERMS OF OFFICE

The Zoning Board of Appeals shall consist of five (5) members ~~appointed by the Township Supervisor and confirmed by the Township Board.~~appointed by majority vote of the members of the Township Board serving. The first member of the Board of Appeals shall be a member of the Planning Commission. ~~The second member shall be a member of the Township Board.~~ One regular or alternate member of the Zoning Board of Appeals may be a member of the Township Board, but such member shall not serve as Chairperson of the Zoning Board of Appeals. The remaining ~~three (3) members~~members and any alternate members shall be selected from the electors of the Township residing within the zoning jurisdiction of the Township and shall be representative of the population distribution and interests of the Township. An elected officer of the Township shall not serve as chairman of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members. An alternate member may be called to serve in the absence of a regular member, or when a regular member has abstained because of a conflict of interest. The alternate member shall serve in that case until a final decision is made and shall have the same voting rights as a regular member.

Terms shall be for three years except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of the Planning Commission or the Township Board respectively, and the period stated in the resolution appointing them.

Appointments may be staggered. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired.

Members of the Zoning Board of Appeals shall be removable by the Township Board for ~~nonperformance of duty or misconduct~~misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify him or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest shall constitute ~~misconduct of~~malfeasance in office.

A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board are present.

20.03 ORGANIZATION AND PROCEDURES

A. Rules of Procedure. The Zoning Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings properly~~.~~, and such rules shall be consistent with this Ordinance, the Michigan Zoning Enabling Act, and the Open Meetings Act.

B. Vote.

1) The concurring vote of a majority of members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator ~~or Planning Commission~~ or other administrative official or body charged with enforcement of this Ordinance and to decide non-use variances. ~~Use variances shall require a vote of 2/3 of the members of the Zoning Board of Appeals.~~A concurring vote of two-thirds (2/3) of the members of the Zoning Board of Appeals shall be required to approve a use variance, but only where use variances are lawfully authorized under this Ordinance and the Michigan Zoning Enabling Act.

2) A member of the Zoning Board of Appeals who also is a member of the Planning Commission or Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a

member of the Planning Commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

3) A member who has a conflict of interest shall disclose the conflict and shall not participate in the public hearing, deliberation, or vote on that matter, and should remove themselves.

C. **Meetings.** Meetings shall be open to the public and shall be held at the call of the Chairperson and at such other times as the Zoning Board of Appeals shall specify in its rules of procedure. The Board shall choose its own Chairperson, and in his/her absence, an acting Chairperson.

D. **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with votes of the members and the final disposition of each case. The ground of every determination shall be stated and such determination from which the appeal is taken. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals permanent records. Such minutes shall be filed in the office of the Township Clerk and shall be public record. The record shall include the application, notice, proof of publication and mailing, exhibits, written submissions, findings of fact, motion, vote, and final written decision. A copy of the decision shall be sent ~~promptly~~by the Clerk within 5 business days to the applicant or appellant and the Zoning Administrator.

E. **Secretary and Counsel.** The Township Clerk shall be responsible for providing secretarial services for the Zoning Board of Appeals and the Township Attorney may give legal counsel to the Zoning Board of Appeals upon its request.

F. **Hearings.** When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, or when a complete written request for a variance, interpretation, or administrative appeal has been received with the required fee, the Zoning Administrator shall ~~immediately place the request for appeal upon the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal.~~forward the request to the Zoning Board of Appeals for placement on the hearing calendar within a reasonable time. Notice shall be given as required by the Michigan Zoning Enabling Act, including publication not less than fifteen (15) days before the hearing and, for property-specific requests, notice to the subject property owner, persons to whom real property is assessed within 300 feet, and occupants of structures within 300 feet, regardless of jurisdiction. The notice shall describe the nature of the request, identify the property, state when and where the request will be considered, and state when and where written comments will be received.

A party may appear personally, by agent, or by attorney.

20.04 STAY

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal has been filed that, for reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals, or on application, by the Circuit Court, on notice to the officer from whom the appeal is taken, when due cause can be shown.

20.05 FEE FOR APPEAL

A fee in accordance with the duly adopted schedule of fees established by resolution of the Township Board shall be paid at the time of filing an application with the Zoning Board of Appeals. The purpose of the fee is to cover all necessary notification and investigation expenses incurred by the Zoning Board of Appeals in connection with said appeal. The Township may require reimbursement or escrow for actual professional review costs only to the extent authorized by ordinance, resolution, or other applicable law.

20.06 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

The Zoning Board of Appeals shall have all powers and duties granted by State law, by this Ordinance and the Township Board including the following specified duties and powers:

A. **Review.** Shall hear and decide appeals from and review any order, requirement, decision or determination made in the administration of this Ordinance by the Zoning ~~Administrator or Planning Commission.~~Administrator.

B. **Interpretation.** Shall have the power to:

1) Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.

2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.

3) Classify a use which is not specifically mentioned in the Zoning Ordinance~~.~~, provided the classification is consistent with the purpose and intent of the district and does not amend the Ordinance or permit a use that is otherwise prohibited.

4) Consider use variances~~.~~, only if and to the extent such authority is lawfully authorized for the Township under the Michigan Zoning Enabling Act and this Ordinance.

5) Consider non-use variances.

20.07 APPLICATION OF THE VARIANCE POWER

A. Use Variance. The Zoning Board of Appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise prohibited in a zoning district. For a township, authority to grant a use variance is limited by the Michigan Zoning Enabling Act and shall be exercised only if the Township is legally authorized to grant use variances and this Ordinance expressly authorizes such relief. A finding of an unnecessary hardship shall require demonstration by the applicant of the following:

1) The property cannot be reasonably used for any purpose permitted in the zoning district without the variance.

2) The need for the variance is due to unique circumstances particular to the property and not generally applicable in the area or to other properties in the same zoning district.

3) The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's predecessors.

4) The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristic of the site and the surrounding area will be considered.

5) The requested variance is the minimum necessary to allow reasonable use of the property.

6) The spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

7) The applicant shall present competent, material, and substantial evidence supporting each required finding.

B. Non-Use Variance. The Zoning Board of Appeals may grant a non-use variance only upon finding that practical difficulty exists. A non-use variance is a variance from any standard or requirement of the Ordinance, such as, but not limited to, a deviation from density, bulk, setback, parking, landscaping and sign standard requirements~~.~~, or other nonuse-related dimensional or development standard. A finding of practical difficulty shall require demonstration by the applicant of the following:

1) Granting the variance will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.

2) Granting the variance shall not permit the establishment within a zoning district of any use, which is not permitted by right within the district.

3) Granting the variance will not cause any significant adverse effect to property in the vicinity or in the zoning district or the Township.

4) There are practical difficulties on the site which unreasonably prevent the owner from using the property for a permitted purpose without presenting an excessive burden and the practical difficulty ~~not resulting from any act of the applicant.~~does not result from any act of the applicant, the applicant's predecessors, or the applicant's personal circumstances. Mere inconvenience, financial hardship, or a desire for greater profitability shall not, by itself, constitute practical difficulty.

5) The variance will do substantial justice to the applicant, but the decision shall not bestow the property special development rights not enjoyed by other properties in the same district, or which might result in substantial adverse impacts on properties in the vicinity which may endanger the public health, safety or welfare.

6) The requested variance is the minimum necessary to permit reasonable use of the land.

7) The practical difficulty is not self-created.

8) The spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

20.08 RULES

In addition to the foregoing conditions the following rules shall be applied in the granting of variances:

A. The Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which such variance applies including the requirement of a bond~~. The breach of any such condition shall automatically invalidate the permit granted.~~, performance guarantee, or other lawful assurance, provided such conditions are directly related to the standards for approval and are authorized by law. The breach of any such condition shall be subject to enforcement, revocation, or other remedy as provided by this Ordinance and applicable law.

B. No more than the minimum variance from the terms of this Ordinance shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.

C. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one (1) year after the granting of the variance. An extension, not to exceed one year may be granted upon request of the applicant~~.~~ before expiration, by the Zoning Administrator upon a showing of good cause.

D. Prior to granting a variance, all other existing infractions related to this Ordinance or other Township Ordinances on the same property have been resolved~~.~~, unless the Zoning Board of Appeals determines that resolution is not legally required before deciding the variance request.

E. The applicant shall, in writing, receive the decision upon completion of the hearing. The written decision shall state the findings, grounds for approval or denial, any conditions imposed, and the vote of each member.

20.09 APPEAL TO CIRCUIT COURT

The decision of the Zoning Board of Appeals rendered pursuant to this Article shall be final. However, a ~~person having an interest affected by the decision~~party aggrieved by the decision may appeal to ~~Circuit Court within 30 days of the decision.~~the Circuit Court for the county in which the property is located. An appeal shall be filed within whichever of the following deadlines comes first:

A. Thirty (30) days after the Zoning Board of Appeals issues its decision in writing; or

B. Twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

Upon appeal, the Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

A. Complies with the Constitution and Laws of the State.

B. Is based upon proper procedure.

C. Is supported by competent, material and substantial evidence on the record.

D. Represents the reasonable exercise of discretion granted by law to the Zoning board of Appeals.

If the court finds the record of the Zoning Board of Appeals inadequate to make the review required by this section, or that there is additional evidence which is material and with good reason was not presented to the Zoning Board of Appeals, the court shall order further proceedings before the Zoning Board of Appeals on conditions which the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision and may make other orders as justice requires.

memorandum

DATE: July 28, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, Giffels Webster

SUBJECT: Zoning Moratoria

Introduction

A zoning moratorium is the temporary suspension of zoning permits or approvals for a land use. Communities act to implement zoning moratoria for a variety of reasons, but all moratoria action should link the need for the moratoria to the protection of health, safety, and general welfare of the community. Most zoning moratoria take place for a time period of one year or less, sometimes six months.

A moratorium should be implemented with careful reasoning and public deliberation; therefore we would like to initiate discussion on a possible zoning amendment that would give detail and lay out a process on how the Township may implement future zoning moratoria. There are different manners in which communities implement moratoria; we are currently discussing with the Township Attorney what manner should be most appropriate, and will share some ideas at the August meeting.

Key Considerations

Before implementing a moratorium, the Township should consider the following:

- Is there an imminent public health, safety, or general welfare threat by allowing a new use of this kind to enter the Township?
- Are there imminent industry trends or technological changes regarding this land use that open the door for unforeseen public health, safety, or general welfare threats?
- What makes this land use unique and ripe for a moratorium relative to other land uses similar in activity or similar in size/scale?
- What is the ultimate goal? Is it to study the issues related to the above points and amend the ordinances promptly?
- Alternatively, can amending the ordinance be done without a moratorium? Keep in mind that the purpose of a moratorium should not be to exclude a land use altogether – the Michigan Zoning Enabling Act provides that a “zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location

within the local unit of government does not exist where the use may be appropriately located or the use is unlawful."

Resources

This Michigan State University Extension article is a helpful resource in explaining what a zoning moratorium is in more detail:
www.canr.msu.edu/news/zoning_moratoriums_should_only_be_done_with_caution

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MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Training and Outreach

Register today for the Renewables Ready Communities Award: Program overview and guidance webinar

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) encourages anyone interested in an overview of Michigan's **new $90 million Renewables Ready Communities Award (RRCA)** program to join in this webinar.

The webinar will introduce local government officials and planners to the potential revenue opportunity for communities involved in permitting utility-scale renewable energy projects.

Attendees will learn how to apply for the RRCA, eligibility requirements for the award, how award funding amounts are determined, and the documentation required for both the application and payment request stages.

This webinar is designed for local government officials who oversee development projects, zoning, ordinances, or permitting activities for large-scale renewable energy projects, and anyone whose work intersects with renewable energy siting or who is interested in the RRCA program.

Upcoming Webinar

August 25, 2 p.m. - 3 p.m.
Renewables Ready Communities Award: Program Overview and Guidance

Registration and Information

Photo below shows a solar array in Sheridan Michigan

Michigan.gov/EGLEevents

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