LEGAL NOTICE
WHITEWATER TOWNSHIP
PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS

The Whitewater Township Planning Commission will conduct public hearings at a regular meeting on **November 4, 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. Amendments would have the following effects:

1. Amendment to Article 20 – Zoning Board of Appeals
2. Amendments to Article 21- §21.03: Procedures and §21.08-21.11: Moratorium by Resolution

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

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

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

A copy of this notice is on file in the office of the Clerk.

Posted by D. Graber 10/19/2026 – 9:45 am

ARTICLE 20 - ZONING BOARD OF APPEALS

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.

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. 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. The remaining three (3) members shall be selected from the electors 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.

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.

Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct 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 himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct of 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.

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.

~~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 and to decide non-use variances. Use variances shall require a vote of 2/3 of the members of the Zoning Board of Appeals.
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.

~~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. A copy of the decision shall be sent promptly to the applicant or appellant and to 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, 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.

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 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 shall be paid at the timing 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.

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.

~~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.
~~4) Consider use variances.~~
~~5) Consider non-use variances.~~
4) Consider non-use variances (dimensional) variances only.
5) The Zoning Board of Appeals shall not hear or grant 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. 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 others 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.~~

B. ~~Non-Use~~ **Dimensional Variance.** The Zoning Board of Appeals may grant a ~~non-use~~ dimensional variance only upon finding that practical difficulty exists. A ~~non-use~~ dimensional variance is 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. A finding if 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.
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.

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.

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.

D. Prior to granting a variance, all other existing infractions related to this Ordinance or other Township Ordinances have been resolved.

E. The applicant shall, in writing, receive the decision upon completion of the hearing.

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 may appeal to Circuit Court within 30 days of the 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.

ARTICLE 21 - AMENDMENT

21.01 INTENT

It is the intent of this Article is to describe how this Ordinance may be changed, updated, or otherwise edited.

21.02 INITIATION OF AMENDMENTS

The Township Board may amend, supplement, or change the regulations or the district boundaries of this ordinance pursuant to the authority and according to the procedure set forth in Act 110 of the Public Acts of 2006 as amended. Text amendments may be proposed by the Township Board, Planning Commission, or any interested person or organization. Changes in zoning district boundaries may be proposed by the Township Board, Planning Commission, any person having a freehold interest in the premises concerned, or by the designated agent of a person having a freehold interest in the property.

21.03 PROCEDURES

A. **Application:** When an amendment is proposed by an interested person or organization, an application shall be filed with the Zoning Administrator on forms provided by the township and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a survey that specifies the boundaries and legal description of the site. The township may request additional information with the application.

B. **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and summarized in writing filed with clerk and with applicable fees paid.

C. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendation to the Township Board.

D. **Township Board Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the planning commission, the Township Board may approve or deny the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official zoning map, the Township Board shall approve or deny the amendment based upon its consideration of the criteria contained in this section.

21.04 COST

Any party proposing or recommending a change in the zoning district regulations or zoning district boundaries shall be responsible for payment of all costs and expense incurred by the Township in considering said proposal or recommendation, including but not limited to costs of special meetings, legal fees, costs of notices and publications as follows:

A. Petitioner shall deposit with the Township Clerk or Zoning Administrator the initial fee as stated on the Whitewater Township Planning and Zoning Fees Schedule toward payment of said costs. (***21.04A - Amendment effective October 23, 2025.)***

B. The Township Board may require the petitioner to deposit such additional sums with the Township Clerk as it determines to be necessary to cover any additional costs beyond said deposit before it considers any proposal or recommendation.

C. In the event the amount of said costs incurred by the Township shall be less than the amount of funds deposited by the petitioner, the difference shall be refunded.

D. It shall be understood, that under no circumstances shall said sum or any part thereof be refunded

for failure of said change recommended or proposed by the petitioner to be adopted by the Township Board.

21.05 STANDARDS OF REVIEW FOR AMENDMENTS

In considering any petition for an amendment to the text of this ordinance or to the zoning map, the Planning Commission and Township Board shall consider the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and Township Board may also take into account other factors or considerations that are applicable to the application but are not listed below.

A. Consistency with the goals, policies and objectives of the township's master plan and any sub-area plans. If conditions have changed since the master plan was adopted, consistency with recent development trends in the area shall be considered.

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

C. The capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

D. The capacity of the township's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the township.

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

F. That the amendment will not be expected to result in exclusionary zoning.

G. If a rezoning is requested, compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.

H. If a rezoning is requested, compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

21.06 NOTICE OF ADOPTION OF AMENDMENTS

Following adoption of an amendment by the Township Board, a notice of adoption shall be filed with the township clerk and 1 notice of adoption shall be published in a newspaper of general circulation in the township within 15 days after adoption in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended. A record of all amendments shall be maintained by the township clerk. A zoning map shall be maintained by the township clerk that identifies all map amendments.

21.07 REFERENDUM

Within 30 days following the passage of the Zoning Ordinance, a petition signed by a number of registered electors may be filed with the township clerk requesting submission of this ordinance or part of this ordinance to the electors for their approval in accordance with Section 402 of the Michigan Zoning Enabling Act, PA 110 of 2006 as amended.

EXISTING

21.03 PROCEDURES

A. **Application:** When an amendment is proposed by an interested person or organization, an application shall be filed with the Zoning Administrator on forms provided by the township and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a survey that specifies the boundaries and legal description of the site. The township may request additional information with the application.

B. **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and summarized in writing filed with clerk and with applicable fees paid.

C. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendation to the Township Board.

D. **Township Board Action on the Proposed Amendment.** Upon receipt of the report and recommendation from the planning commission, the Township Board may approve or deny the proposed amendment. If determined to be necessary, the Township Board may refer the amendment back to the Planning Commission for further consideration. In the case of an amendment to the official zoning map, the Township Board shall approve or deny the amendment based upon its consideration of the criteria contained in this section.

PROPOSED

21.03 PROCEDURES

A. **Application:** When an amendment is proposed by an interested person or organization, an application shall be filed with the Zoning Administrator on forms provided by the township and accompanied by the fees specified. The application shall describe the proposed amendment and shall be signed by the applicant. Applications for rezoning of a specific site shall be accompanied by a survey that specifies the boundaries and legal description of the site. The township may request additional information with the application.

B. **Public Hearing.** A public hearing shall be held for all proposed amendments in accordance with the procedures set forth in the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and summarized in writing filed with clerk and with applicable fees paid.

C. **Planning Commission Consideration of the Proposed Amendment.** The Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all factors relevant to the petition, including the appropriate criteria listed in this section, and shall report its findings and recommendations to the Township Board.

D. **Township Board Action on the Proposed Amendment.** An amendment to the text of the Zoning Ordinance or any zoning map changes shall be submitted for consideration by the Planning Commission to the Township Board in accordance with the provisions of the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended. The Township Board may hold additional public hearings if the Board decides it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township, not less than fifteen (15) days before the hearing as

well as being posted on the Township's official web site and at the Township Hall in view of the public. The Township Board shall consider and vote upon the amendment; with or without further amendments being made by the Township Board; vote to adopt the amendment as presented or reject the proposed amendment in its entirety. Any such amendment shall be approved by the majority vote of the members of the Township Board.

Proposed Amendment ZOA 2026-07 to Whitewater Township Zoning Ordinance

Section 21 – Amendment

Addition of Sections 21.08, 21.09, 21.10, and 21.11 to the Zoning Ordinance.

New Sections 21.08 – 21.11 are added to the Zoning Ordinance and read in their entirety as follows:

Section 21.08 - Moratorium by Resolution

The Township Board may, by resolution, impose a temporary moratorium on the review or issuance of any applications, permits, rezonings, licenses, or approvals for existing, new, or emerging land uses in the Township if the Township Board determines that a temporary moratorium is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to address land uses that may impact the health, safety, or welfare of Township residents or property. A temporary moratorium may also be imposed by the Township Board upon the recommendation of the Planning Commission when the Planning Commission determines that a moratorium is needed to allow it sufficient time to review and recommend amendments to the master plan or zoning ordinance concerning existing, new, or emerging land uses that may adversely affect the health, safety, or welfare of Township residents or property. The resolution must state the purpose of the moratorium and include findings of the Township Board or Planning Commission in support of the moratorium and why the Township Board has determined that the temporary moratorium is necessary and in the best interest of the public health, safety, or welfare.

Any resolution adopted pursuant to this Section must specify the length of the initial moratorium which shall not exceed twelve (12) months. In addition to the initial moratorium, the Township Board may extend the temporary moratorium if the Township Board determines that more time is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to regulate land uses. Any extension shall not exceed six (6) additional months. Notice of the resolution must be published within fifteen (15) days of its adoption. The notice must include the following:

1. A summary of the resolution's effect.

2. The length of the moratorium and whether an extension is possible.

3. Where the public may inspect the resolution enacting the moratorium.

Section 21.09 Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of the remaining portions of this Ordinance.

Section 21.10. Repealer

Any ordinances or parts of ordinances that conflict with this Ordinance are repealed, but only to the extent necessary to give this Ordinance full force and effect.

Section 21.11 Effective Date.

This Ordinance takes effect upon the expiration of seven (7) days after its publication pursuant to law.

Proposed Amendment 2026-07 to Whitewater Township Zoning Ordinance

Section 1. Addition of New Section ___ to the Zoning Ordinance.

A new Section ___ is added to the Zoning Ordinance and reads in its entirety as follows:

Section ___ - Moratorium by Resolution

The Township Board may, by resolution, impose a temporary moratorium on the review or issuance of any applications, permits, rezonings, licenses, or approvals for existing, new, or emerging land uses in the Township if the Township Board determines that a temporary moratorium is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to address land uses that may impact the health, safety, or welfare of Township residents or property. A temporary moratorium may also be imposed by the Township Board upon the recommendation of the Planning Commission when the Planning Commission determines that a moratorium is needed to allow it sufficient time to review and recommend amendments to the master plan or zoning ordinance concerning existing, new, or emerging land uses that may adversely affect the health, safety, or welfare of Township residents or property. The resolution must state the purpose of the moratorium and include findings of the Township Board or Planning Commission in support of the moratorium and why the Township Board has determined that the temporary moratorium is necessary and in the best interest of the public health, safety, or welfare.

Any resolution adopted pursuant to this Section must specify the length of the initial moratorium which shall not exceed twelve (12) months. In addition to the initial moratorium, the Township Board may extend the temporary moratorium if the Township Board determines that more time is necessary to review, enact, or amend provisions of the master plan or zoning ordinance to regulate land uses. Any extension shall not exceed six (6) additional months. Notice of the resolution must be published within fifteen (15) days of its adoption. The notice must include the following:

1. A summary of the resolution's effect.

2. The length of the moratorium and whether an extension is possible.

3. Where the public may inspect the resolution enacting the moratorium.

Section 2. Validity and Severability.

If any portion of this Ordinance is found invalid for any reason, such holding will not affect the validity of

the remaining portions of this Ordinance.

Section 3. Repealer.

Any ordinances or parts of ordinances that conflict with this Ordinance are repealed, but only to the extent

necessary to give this Ordinance full force and effect.

Section 4. Effective Date.

This Ordinance takes effect upon the expiration of seven (7) days after its publication pursuant to law.