WHITEWATER TOWNSHIP PLANNING COMMISSION REGULAR MEETING

November 4, 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 2026-07** Amendments to Article 20 – Zoning Board of Appeals and Amendments to
    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.

9. **Public Hearing ZOA 2026-08** Article 21, §21.03: Procedures and §21.08-21.11: Moratorium by Resolution
    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.

10. **Approval of Minutes of Previous Meeting:** Regular Meeting October 7, 2026 and Special Meeting October 19, 2026

11. **Correspondence**

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

13. **Unfinished Business**
    a. ZOA 2026-02 Wineries Amendment to Article 2 – §2.01: Definitions, Article 4, §4.10: Agricultural A-1, Article 5 – Supplemental Development Standards and Provisions, and addition of §5.16 Wineries, Microbreweries, and Micro-distilleries
    b. STR regulation discussion and preparation of presentation to Town Board

14. **New Business**
    a. Meeting date for session 2 on Bundle 2
        i. Tuesday 11/17
        ii. Tuesday 11/24
        iii. Monday 12/14
        iv. Tuesday 12/15

15. **Next Meeting**
    a. 11/12/2026 6pm Joint Meeting Town Board and PC – Proposed STR Regulation presentation/discussion
    b. 12/02/2026 7pm Regular Meeting

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:**

    a. Implementing PA 58: Local Strategies for Managing Additional Division Rights -Webinar December 3, 2026 10:30AM - 12:00PM
    https://www.canr.msu.edu/events/implementing-pa-58-local-strategies-for-managing-additional-division-rights

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 10/19/26 09:27 by aheid-tc

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Acct #: 2055 — Ad #: 639899 — Status: New

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

Start: 10/20/2026 — Stop: 10/20/2026
Times Ord: 1 — Times Run: ***
STDAD 3.00 X 5.38 — Words: 400
Total STDAD 16.14
Class: 147 LEGALS
Rate: LEGAL — Cost: 174.35
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 10/19/26 08:32
Last Changed: aheid 10/19/26 09:27

PUB	ZONE	EDT	TP	RUN DATES
RE	A	97	S	10/20
IN	AIN	97	S	10/20

AUTHORIZATION

Thank you for advertising in the Record-Eagle, our related publications and online properties. If you are advertising with the Record-Eagle classifieds, your ad will begin running on the start date noted above.

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.
DEPT 1415
PO BOX 4268
HOUSTON TX 77210-4268
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: ALYSSA HEIDER Printed at 10/19/26 09:27 by aheid-tc

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Acct #: 2055 Ad #: 639899 Status: New

LEGAL NOTICE

WHITEWATER TOWNSHIP
PLANNING COMMISSION
NOTICE OF PUBLIC HEARINGS

The Whitewater Township Planning Commission will conduct a public hearing 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 hearing is 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.

October 20, 2026 – 1T 639899

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.

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.

ZOA 2026-08 part 2

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.

WHITEWATER TOWNSHIP PLANNING COMMISSION
Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690
231-267-5141 Phone / 231-267-9020 Fax

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

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

Public Attendance On-site: 6 (approximately)
YouTube Live Stream View: 7 (approximately)

ROLL CALL: Secretary Peltonen called Roll.

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

A quorum was established.

Absent: None.

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA:
Under "Correspondence" correct spelling of "Steele" to "Steelman"
Add Detail to "Next Meetings" section; i.e., times and days of the week.

Board Action: Ms. Merchant 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. Mike Jacobson: Agrees with Ms. Steelman's correspondence topic and encouraged the PC to discuss. Regarding "Section 21.09 – Validity and Severability" in the packet document, he questioned whether this may be unconstitutional and suggested another attorney review.

Ms. Julie Zenas: Emphasized the importance of the PC to conduct a risk assessment prior to making STR recommendations to the Board. STRs are currently illegal in the Township, and 20% of people are unaware of this per the recent survey. In addition to the survey, the PC also received the 10/25 MSUE report as well as ROWG findings. The PC should do due diligence to identify the number of STRs operating in order to determine enforcement costs and legal exposure. Milton Township passed restrictive STR regulation in 2025 and is facing a $75m class action lawsuit as of 5/26. Clearwater Township is considering restricting regulations. Traverse City is considering STR caps on zones. Whitewater's position on STRs needs to go to a public vote.

DRAFT

Trustee Mielnik asked to address Mr. Jacobson's public comment regarding the severability language, stating this is standard verbiage in any Zoning Amendment through a Planning Commission and Township Board. It is in the Zoning Ordinance passed in 1972 and is not new verbiage to this document.

PUBLIC HEARING:

ZOA #2026-02 Amendments to Article 2, §2.01-Definitions, Article 4, §4.10-Agricultural A1, Article 5 – Supplemental Development Standards and Provisions new § 5.16 Wineries, Microbreweries, and Micro-distilleries

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

Note: The Public Hearing opened at 7:10 p.m.

Request those attending sign attendance sheet. A Public Hearing sign-in sheet was displayed for Public Comment.

State Date of Public Hearing Notice Publication and Newspaper Published in:
The Notice was published in the Traverse City Record Eagle on 9/22/26 and the Elk Rapids News on 9/17/26.

State Purpose of Public Hearing: Consideration of ZOA #2026-02 Amendments to Article 2, §2.01-Definitions, Article 4, §4.10-Agricultural A1, Article 5 – Supplemental Development Standards and Provisions new § 5.16 Wineries, Microbreweries, and Micro-distilleries.

Brief Introductory Presentation (Zoning Administrator, Planner, Applicant/Agent, etc.):
Mr. Andy Aamodt of Giffels Webster joined the meeting via Zoom. He detailed the changes, additions and deletions made to the draft at the last meeting. They related to:

Clarity of property size, event tents, removal of sound standards, removal of Tier 2 event types, removal of "tiered" language and a hold on the Special Events Ordinance. They also briefly discussed the Special Use Permit application and Site Plan review process.

Read Any Written Comments Received: None received.
Chair Stratton reported a petition with 59 signatures was submitted at the first Public Hearing supporting this Ordinance. A second Public Hearing will be held as there have been notable changes made to the draft.

Receive Public Comment: None.

Close Public Hearing: Mr. Sherman made a motion to close the Public Hearing. Mr. Trumbull seconded the motion.
ROLL CALL VOTE: Mielnik-Y, Rebant-Y, Sherman-Y, Trumbull-Y, Peltonen-Y, Merchant-Y, Stratton-Y. Motion carried.

Note: The Public Hearing closed at 7:17 p.m.

APPROVAL OF MINUTES – 9/9/26 Regular Meeting: Amendments: None.

Board Action: Ms. Merchant made a motion to approve the Regular Meeting Minutes of 9/9/26 as presented. Ms. Peltonen seconded the motion. VOTE: YEAS: All. NAYES: None. Motion carried.

CORRESPONDENCE: Chair Stratton read aloud correspondence into the record.
Ms. R. Steelman emails of 9/8/26 and 9/10/26.
Ms. F. Schulte 9/14/26.

REPORTS/PRESENTATIONS/ANNOUNCEMENTS/COMMENTS:

Zoning Administrator: Report in meeting packet. Zoning Administrator Deb Graber additionally reported there have been no new applications for Special Uses, therefore, there are no Site Plan Reviews to schedule.

Planning Commission Chair (Ms. Stratton): No report.

DRAFT

Township Board Representative (Mr. Mielnik): He announced that Whitewater Supervisor Linda Slopsema has submitted her resignation. He identified many of her accomplishments during her tenure as Supervisor.

Mr. Mielnik reported the Township Board settled the Denise Heidisch lawsuit related to Short-term Rentals. He read aloud a statement from the Township Board on this matter. A Stipulated Order from Judge Stepka has been filed.

Work continues on the development of a Private Road Ordinance in Whitewater Township and Land Division Ordinance update. Both matters are on tomorrow's Township Board meeting agenda.

ZBA Representative (Mr. Trumbull): There was no September meeting. No report.

ROWG (Mr. Rebant): Resources were not available to support continued efforts in populating the Fire Station and Parks & Recreation assets. ROWG efforts have been redirected toward building a process for a Capital Improvement Program. The approach will include management reviews and approval, as well as new procedural methods. Initial primary focus will be on Fire, Safety, Community, Roads and Utilities.

Additional Items: In consideration of PC budget planning, Ms. Peltonen inquired whether Commissioners are compensated for their time participating in Site Plan Reviews and suggested that be considered.

UNFINISHED BUSINESS:

Amendment to Article 20 – Zoning Board of Appeals: Chair Stratton reported that after review, the attorney has suggested changes including removing Use Variances from this Article. She referenced changes to Sections 20.06 and 20.07. These matters were also discussed with Planners from Giffels Webster.

Board Action: Mr. Mielnik made a motion review the amendment of Article 20 of the Zoning Ordinance at a Public Hearing to be held at the November 4, 2026, Regular Meeting. Ms. Merchant seconded the motion.
VOTES: YEAS: All. NAYES: None. Motion carried.

Amendments to Article 21, §21.03: Procedures and §21.08-21.11: Moratorium by Resolution: Chair Stratton reported the attorney has provided input on the amendment of Article 21 as indicated in the packet draft. Ms. Stratton specified Section 21.03(D) – Procedures: Township Board Action on the Proposed Amendment. This partially states amendments to the text, Zoning Ordinance or map changes shall be submitted by the Planning Commission to the Township Board in accordance with the Michigan Zoning Enabling Act.

Board Action: Mr. Rebant made a motion that Article 21, Section 21.03 amended as written be considered at a Public Hearing at the November 4, 2026, Regular Meeting prior to going before the Township Board. Mr. Sherman seconded the motion.
VOTE: YEAS: All. NAYES: None. Motion carried.

§21.08-21.11: Moratorium by Resolution
Chair Stratton noted Article 21 also contains a Moratorium by Resolution section, giving the Township Board authority to implement a moratorium if necessary to protect health, safety and welfare.

Board Action: Mr. Trumbull made a motion to consider the proposed Moratorium by Resolution (Section 21) at a Public Hearing at the November 4, 2026, Regular Meeting prior to going before the Township Board. Ms. Merchant seconded the motion.
VOTES: YEAS: All. NAYES: None. Motion carried.

Proposed STR Regulation Discussion: Chair Stratton reported the Planning Commission was directed by the Township Board to focus on the Zoning Ordinance and discuss where Short-term Rentals might be allowed. Supporting materials should be drawn from; i.e., STR survey, ROWG White Papers, the MSUE community workshop and Public Hearings.

There was also discussion whether the PC is to explore the licensing portion and impacts to the Zoning Ordinance. Chair Stratton is of the understanding the direction to the PC was to focus on the Zoning Ordinance for the upcoming Joint PC/Board 11/12/26 meeting, with licensing to follow.

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There was extensive discussion among PC Members encompassing the following subjects:

-STR Survey Data
-ROWG Data Collection
-Historical Information
-Risk Assessment
-Licensing
-Ordinance Compliance
-Infrastructure
-Suggested Restrictions
-Enforcement Mechanisms
-Types of Properties in Each District
-Unique Aspects of Some Districts
-Consultation for Environment Concerns
-Protection of Natural Resources and Waterways
-Density Considerations
-Whitewater Township Maps (2 acres or less)

There was general consensus that the biggest concern regarding STRs is with R1 waterfront district properties where the highest restrictions might be applied.

Chair Stratton asked Mr. Mielnik to get clarification from the Township Board if they are asking the Planning Commission to strictly look at the Zoning Ordinance or also licensing.

Chair Stratton directed PC Members to prepare recommendations of where they recommend STRs she be allowed or not allowed and related material supporting those recommendations. This information should be forwarded to her in advance of the 11/4/26 Regular Meeting. She will then prepare a summary from that input for the PC'S recommendation to the Township Board. This report will be discussed at the next PC meeting.

NEW BUSINESS:

Changes to Bundle #2 (Mr. Aamodt): Mr. Andy Aamodt of Giffels Webster spoke with the Planning Commission prior to the start of Bundle #2 of the Zoning Ordinance review and amendment. Preliminary topics for Bundle #2 will cover the following key items:

-Land Division Act Amendment and Private Roads
-A-1 District Dimensional Standards and Permitted Uses
-Agri-Tourism Update
-Rezoning of R-1 District Boundary
-Supply Road Setback Requirements
-Fence Heights

R1 boundaries and maps were also briefly discussed. ZA Graber asked the PC to consider the M-72 corridor split zoned lots. Mr. Aamodt suggested review of this be considered in a future bundle rather than the upcoming Bundle #2 project. There was consensus.

Mr. Aamodt will provide Bundle #2 material to Chair Stratton for PC distribution and review in advance of the 10/19/26 Special Meeting.

Land Division Act Presentation (Mr. Mielnik): The State of Michigan will implement the new Land Division Act in March, 2027, requiring Townships across the state to address this issue in the very near term. Mr. Mielnik delivered a visual presentation on the Land Division Ordinance, which is connected to the Master Plan, that he previously presented to the Township Board.

His detailed presentation covered slide topics such as rural character, 2023 resident survey, preservation of environmental features, recreational opportunities, protection of undeveloped land, density considerations and other complex information.

He explained land division is critical to future land use patterns with three primary ways to develop land: Land Division, Conventional Subdivisions and Conservation/Open Space Design. He also spoke on laws of dividing parcels and historical activity.

Mr. Rebant referenced septic and wells related to development and the potential for growth of subdivisions. Mr. Mielnik stated rural subdivisions with onsite systems are likely due to the State level change in land splits next spring which may relate to the State's desire to see more housing production and address the housing shortage. Mr. Aamodt stated private roads and access will be integral to this.

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Discussion summarized land division standards, maintaining rural character and review of agriculture district standards while meeting the requirements of the Land Division Act. This matter will also be addressed by the Township Board. There is a sense of urgency due to the 3/27 State implementation date.

Budget Review: PC Members reviewed mid-year budget performance in advance of the next fiscal year budget planning. It appears EPIC MRA was issued two checks for the same invoice, one of which was returned. Mr. Mielnik will verify that this was received and if it is reflected in the current budget printout in the Professional Services cost center.

Ms. Peltonen suggested compensatory wages for additional work by PC Members; i.e., conducting preliminary Site Plan Reviews, as it is a time intensive process, as are the required Citizen Planner course and optional MSUE training programs.

Ms. Merchant believes Members should be compensated for training, particularly as it is a significant time commitment. Numerous Commissioners agree with this suggestion.

Dues and Memberships line items were above budget projections.

Each of these line item considerations will be included in the upcoming budget process.

NEXT MEETING:

Special Meeting: Monday, 10/19/26, 6:00 p.m., Whitewater Township Hall.
Zoning Ordinance Amendment – Bundle #2

Regular Meeting: Wednesday, 11/4/26, 7:00 p.m., Whitewater Township Hall.
Three Public Meetings.

Special Meeting: Thursday, 11/12/26, 6:00 p.m., Whitewater Township Hall.
Joint Township Board/Planning Commission Meeting to discuss STR regulation.
(Joint Meeting to be held immediately prior to the Board's Regular Meeting at 6:30 p.m.)

PUBLIC COMMENT:

Mr. Randy Steelman: Last year the PC hosted a speaker who stated regulated and licensed STRs are easier to manage than unregulated. He agrees that many R1 waterfront properties should be regulated. Many R1s are not waterfront, are vacant for part of the year, are highly desirable and should be allowed to be rented.

Ms. J. Zenas: Disagrees with the comment about waterfront STR properties being allowed to be rented if vacant because they are highly desirable. Her personal experience as a permanent resident next door to these properties is very negative and disruptive. She asked the PC to be careful in determining what is allowed in R1 districts and zones in which PC Members do not reside.

Mr. Mike Jacobson: He is supportive of Ms. Merchant's and Mr. Sherman's comments about restrictions. He addressed Mr. Sherman's statement to the effect that STRs have never been allowed in R1, saying this is not historically correct. Regulations, restrictions and enforcement are necessary. The Noise Ordinance also needs to be enforced. Lakefront STRs give people an opportunity to experience the area, and he questioned if it was right to take that away.

It is acceptable for the Zoning Administrator to respond to questions asked of her by the PC during a meeting. It is not acceptable for her to offer unsolicited information or comments seated in the audience. If allowed, she should be sitting at the meeting table. Additionally, it is not in her job description and exceeds her authority to go door to door to ask people to fill out complaints against their neighbors.

Ms. Deb Graber: Ms. Graber responded she has never gone door to door asking people to fill out complaint forms.

PC DISCUSSION/COMMENTS: Chair Stratton opened discussion about the Wineries Ordinance. PC Members discussed existing content and expressed confidence in the current language.

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There was discussion about various definitions, parking, building coverage, setbacks, temporary/accessory structures and Ordinance compliance. There was further discussion about time limits to temporary structures/tents, number of events allowed within a specific time period, maximum occupancy, Use Permit and Site Plan review process.

Mr. Aamodt will modify parking verbiage and definitions for improved clarity. It was noted the Fire Department also has the ability to implement restrictions.

PC Members asked Mr. Aamodt for a clean copy of the changes prior to the next meeting. The PC will review the final version at the 11/4/26 meeting for recommendation to the Township Board.

CONTINUING EDUCATION: MSU Extension Citizen Planner Training to be completed by new PC Members.

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 10:02 p.m.

Submitted by: Kay Z. Held, Recording Secretary

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WHITEWATER TOWNSHIP PLANNING COMMISSION
Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690
231-267-5141 Phone / 231-267-9020 Fax

SPECIAL MEETING
DRAFT MINUTES
Monday, October 19, 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: 1 (approximately)
YouTube Live Stream View: 32 (approximately)

ROLL CALL: Secretary Peltonen called Roll.

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

A quorum was established.

Absent: Sadie Merchant, Vice Chair (excused)

ALSO PRESENT: Recording Secretary Kay Held

SET/ADJUST AGENDA:
Correct "Next Meeting" section to also include:
Special Meeting, Thursday, 11/12/216, 6:00 p.m. Joint Township Board/PC Meeting

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

DECLARATION OF CONFLICT OF INTEREST: None.

PUBLIC COMMENT:

Ms. Heidi Vollmuth: She referenced topics of land division, fence heights, Supply Road setbacks and agri-tourism. STRs are commercial business and should be treated as such. The Master Plan supports preserving rural character.

She asked the PC to consider rural character, whether the current Ag Zoning of 40,000 sq. ft. protects it and to consider increasing the minimum acreage from 40k sf to 10 acres as well as the impact of 10 acres vs. dozens of one-acre parcels. Additionally, there is no infrastructure to support that. Land Use policies should protect long-term interests. She distributed training materials from MSUE and Michigan Municipal League for consideration of PC Member training.

PUBLIC HEARING: None.

APPROVAL OF MINUTES OF PREVIOUS MEETING: None.

CORRESPONDENCE: Chair Stratton read aloud correspondence that was received; however, will no longer be doing this in the future do to time constraints. She confirmed all correspondence is distributed to Planning Commission

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Members, is posted on the PC page of the Township's website and is maintained as a permanent record in the Township Clerk's office.

Correspondence received from: Gary Clark-STR, Mark and Maria Taylor-STR, Steve and Kate Bell-STR, Donald Bonato-STR, Beth Beitel-STR, John King-STR.

NEW BUSINESS:

Bundle #2 Zoning Ordinance Amendment - Mr. Andy Aamodt, Giffels Webster:
Mr. Andy Aamodt of Giffels Webster jointed the meeting via Zoom. Mr. Aamodt and the Planning Commission reviewed a broad scope of information for Bundle #2's structure of the following topics:

-Land Division Act Amendment and Private Roads
-A-1 District Dimensional Standards and Permitted Uses
-Agri-Tourism Update
-Rezoning of R-1 District Boundary
-Supply Road Setback Requirements
-Fence Heights

Mr. Aamodt had also prepared and reviewed a detailed memo with the PC. Definitions and terms between Ordinances will also be a focus.

There was extensive discussion between the PC and Mr. Aamodt. Key points in summary include:

2.A.: Land Division Act Amendment and Private Roads.
Discussed State of Michigan Land Division changes, which will go into effect 3/27. They also discussed division of parcels, how it may affect residential development and the important aspect of access primarily via private roads. Division of parcels and how it affects residential development was discussed.

Mr. Mielnik reported a Private Road Ordinance has been drafted in consultation with Gourdie Fraser, forwarded to the Township Board and reviewed by legal. It is a concern that no Private Road Ordinance exists.

"Bonus Parcels" were discussed, which could ultimately result in 11 properties from a 10-acre parcel split. Giffels Webster is researching this and their firm is preparing "Best Practice" information which he will provide to the Township.

2.B.: A-1 District Dimensional Standards and Permitted Uses.
The cumulative nature of the Zoning Ordinance regarding Permitted and Special Uses will be investigated; cumulative zoning can be problematic. Regulatory tools should be in place to preserve rural character. The Future Use Plan will review the 40k sq. ft. minimum lot area and may be increased in light of the new Land Division Act.

PC Members were in agreement that all districts, particularly Ag Districts, should be considered when making any new land division determinations. Mr. Mielnik referenced a related section in the Master Plan survey. There was community support to increase minimum parcel size. It was noted surrounding townships have five-acre minimum requirements or more.

Mr. Aamodt will prepare a graphics document for visual review of lot sizes 2 or 2.5 acres up to 5-acres for review at the next meeting. Ms. Peltonen addressed setback consideration in the event of future road widening.

Mr. Rebant referenced a new Whitewater Township residential development on Supply Road which closely mirrors tonight's discussion. It was originally approximately 100 acres and sub-divided into approximately 12 lots. He believes it to be a good representation to review residential design, particularly in preserving rural character and determining other factors such as lot size, road layout and frontage, drainage, etc. Mr. Aamodt will research and provide the PC with additional information.

2.C.: Agri-Tourism Update.
The Township needs to determine if agri-tourism uses should be permitted By-Right or Special Use.

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Additional discussion included terminology, definitions, use-specific requirements (minimum lot size, setbacks, parking, hours of operation, Noise Ordinance standards, and event regulations). For the purpose of this discussion, wineries, cideries and micro-distilleries were referenced examples.

2.D.: Rezoning of R-1 District Boundary.
Regulatory tools should be in place to preserve rural character. Eliminating the R-1 District along creeks and tributaries was included in the material. The Single Family Suburban/Lake Residential future and use designation supports this.

The PC reviewed the R-1 District and Zoning Map. Environmentally-sensitive areas will also be addressed. These items will be reviewed in Bundle #3.

2.E.: Supply Road Setback Requirements.
Required Supply Road setbacks need to be updated to accommodate new Grand Traverse County Road Commission road classifications. Consequently, future Rights-of-Way will also need consideration. There was additional conversation about County regulations and drone routes.

2.F.: Fence Heights: Per past discussion, there are numerous considerations in determining fence height regulations. These include definitions, permit requirements, entry gates, allowed materials, zoning, etc. Mr. Aamodt will provide a boilerplate sample document to serve as a foundation for customizing guidelines related to fence heights. Contents and verbiage will be reviewed and edited at the next Bundle #2 meeting.

NEXT MEETING:

Regular Meeting: Wednesday, 11/4/26, 7:00 p.m., Whitewater Township Hall.

Special Meeting: Thursday, 11/12/26, 6:00 p.m., Whitewater Township Hall.
Joint Township Board/Planning Commission Meeting to discuss STR regulation.
(Joint Meeting to be held immediately prior to the Board's Regular 6:30 p.m. Meeting)

PC Members are asked to provide Chair Stratton by 10/27/26 their recommendations, as well as cite supporting materials, suggesting where STRs may/may not be allowed in the Township.

PUBLIC COMMENT: None.

PC DISCUSSION/COMMENTS:
PC Secretary Denise Peltonen announced her resignation from the Planning Commission effective today, 10/19/26. She thanked her fellow PC Members and expressed thanks to members of the public, encouraging their continued community involvement. The Planning Commission thanked Ms. Peltonen for her contributions to the Township both on and off the Planning Commission. Her term expires 12/31/26.

CONTINUING EDUCATION: None.

ADJOURNMENT:

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

The meeting adjourned at 8:58p.m.

Submitted by: Kay Z. Held, Recording Secretary

DRAFT

WHITEWATER TOWNSHIP

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

www.whitewatertownshipmi.gov zoning@whitewatertownshipmi.gov

Zoning Administrator Report
as of October 31, 2026

Planning and Zoning

Thirteen new land use permit applications were approved.

DATE	ZONE	LU PERMIT #	TAX ID #	OWNER NAME	ADDRESS	PROJECT DESCRIPTION
10/5/2026	A1	2026-83	28-13-122-022-43	Soper, Matthew	9088 Alta Vista Trail	90'x64' House/Garage Shop
10/5/2026	R1	2026-84	28-13-340-037-00	Walkowiak, Daniel	11573 Topview Dr	deck - after the fact
10/5/2026	R1	2026-85	28-13-150-008-50	Davis, Lyle & Julie	10196 Elk Lake Trail	DEMO ALL - HOUSE/GARAGE/SHED
10/5/2026	R1	2026-86	28-13-800-036-00	Smith, Susan	4864 Truax Lk Rd	14'x20' shed
10/12/2026	A1	2026-87	28-13-104-012-02	Hubbell, Paul	8055 Gay Road	24'x32' moving house add to 26'x24'
10/19/2026	A1	2026-75R	28-13-003-027-04	MAC ALD LLC, Johns	5197 Samels Rd	40'x48' Pole Barn
10/19/2026	R1	2026-88	28-13-103-018-00	Mooradian, Daniel/Mary	9109 Gay Road	25'x42' deck - replace and add
10/12/2026	R1	2026-89	28-13-270-001-00	Gleason, Scott/Tina	9118 Angell Rd	move house off property
10/12/2026	R1	2026-90	28-13-150-008-50	Davis, Lyle & Julie	10196 Elk Lake Trail	New Home and 2 car garage
10/19/2026	R1	2026-91	28-13-190-002-00	Fedgrigon, Donald	10964 Innis Lane	Wedding Event 7/17/2027
10/26/2026	R1	2026-92	28-13-110-005-00	Devine, Elisabeth Trust	10646 Innis Rd	Modify existing garage; 2nd level
10/26/2026	A1	2026-93	28-13-125-009-29	Feldkamp, John	11825 Russell Ridge Dr	670 ft of Fence; less than 6 feet high
10/29/2026	R1	2026-94	28-13-880-014-00	Ufer, David	6323 Elkview Dr	DEMO burnt Home

Zoning Board of Appeals – No appeals pending.

Additional Items:

Complaint about a deer blind constructed on property without permission. Unpermitted blind removed and case closed.

Complaint regarding exterior lighting not downward shielded on Broomhead Road. Lighting ordinance was adopted in 1983 after lighting was installed on Broomhead Road property. The lighting is grandfathered.

House moved from 9118 Angell Road. Property 9200 Angell Road is now compliant with the zoning ordinance and has only 1 residence on the property.

Sincerely,

Deb Graber

Deb Graber, Whitewater Township, Zoning Administrator

memorandum

DATE: October 26, 2026

TO: Whitewater Township Planning Commission

FROM: Andy Aamodt, AICP, Giffels Webster

SUBJECT: Bundle 1.F. Wineries Memo and Amendment

Introduction

At the May 6 meeting, we provided an audit of the previously drafted wineries ordinance amendment, starting our role with the wineries amendment task.

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.

- **August 5, 2026** – To ensure we are taking due care in reviewing this language, we revisited the same draft language as was previously presented at the July 1 meeting. This August meeting discussion centered around the following key points:
  - Planning Commission’s consensus on events was that a tiered approach should be taken rather than occupancy thresholds.
  - Catering allowances should be made more clear.
  - Two Planning Commissioners brought up they are also confused about the “brand promotional events” terminology and how it relates to the food service allowances. Research has been conducted and it seems like the brand promotional events pertain to advertising events where a salesperson or vendor representative of a brand can come sell/advertise products at another facility (in this case, the subject winery/microbrewery/micro-distillery). Brand promotional events are regulated by MCL 436.1609-436.1610 of the Michigan Liquor Control Code (Public Act 58 of 1998), the Michigan Liquor Control Commission’s Administrative Rules, and the October 27, 1999 Michigan Liquor Control Commission’s Administrative Order. None of these regulations include a guarantee or preemption that food service should be tied to brand promotional events, therefore I believe food service/ full service meals can be regulated. We make clear that brand promotional events are permitted, but that full service meals do not need to be attached to these.
  - 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 Special 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 Special 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. As outlined above, the Planning Commission was less favorable towards the large events permit during discussion at the July meeting. However, at the August meeting, after deliberating on the merits of "tiers," Planning Commission saw a potential benefit to this ordinance again for "Tier 2" usage.

- **September 9, 2026** – The Planning Commission reviewed the changes and had robust discussion over the "Tier 2" event types. The focus was primarily over how they would be permitted and whether the Township was giving wineries an opportunity to have large events that other businesses/property owners could not enjoy. The following changes were requested:
    - Add in a minimum zoning lot size of 20-acres. This is intended to preserve agricultural land.
    - For Tier One events, remove the size limit for tents but keep the delineated areas.
    - Remove sound standards as the updated noise ordinance addresses this.
    - Remove all of Tier Two event types and hold the special events ordinance for Tier Two. Concerns over giving wineries different permissions than other uses/businesses in the township.
    - Note: because events will no longer be tiered, we are deleting the references and naming convention of "tier" and instead just calling everything "events."
- **October 7, 2026** – The Planning Commission held the public hearing and requested minor changes.
    - Clarification that this language is for on-site tasting rooms. As there could be a later amendment clarifying usage of off-site tasting rooms in the Commercial or Village districts, it was mentioned clarifying "on-site" now may be helpful for that future work.
    - Clarify that tent floor area should go towards parking requirements, and that a parking study may be required by the Planning Commission if parking needs are unique or if the Planning Commission finds the parking proposal does not well match with the parking requirements of the ordinance. Also, clarification that overflow event parking on a specified grass area can be permitted.
    - Clarify that tents shall be installed and taken down within 48 hours of the event, unless as approved by the Fire Department and Building Department for a longer duration. All tents shall meet the accessory structure setback requirements of this section.

Next Steps

We revised the text from the October 7th meeting. As the public hearing was held at that October meeting, Planning Commission may move the proposed amendment to the Township Board if satisfied with the text. See the proposed amendment starting on the following pages; we provided a “clean” version and a “mark-up” version.

Directly below is sample language for a potential noise ordinance. This has been presented with the draft text amendment material since May. This is attached for reference, but because we are proposing it as a general code ordinance, it does not require Planning Commission review and public hearing. The Township Board is solely responsible in adopting a general code ordinance. If the Township is indeed interested in adopting this ordinance, we would recommend the Township Board place this on the same Board meeting agenda as this zoning amendment.

GENERAL CODE ORDINANCE #XXXX NOISE ORDINANCE

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.

Proposed Zoning Text Amendments – Clean Version

SECTION 2.01 – DEFINITIONS

Cidery: A state-licensed facility – see Winery.

Lot, Zoning: A single tract of land, not separated by a public or private road right-of-way, at the time of applying for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect and is entirely located within a singular zoning district on the zoning map. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

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, On-Site: 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 4.10 – AGRICULTURAL A-1 – INTENT

A. A-1 Agricultural Use Regulations: Uses Permitted By Special Use Permit
   2. Wineries, microbreweries, and micro-distilleries, subject to Section 5.16

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 preserve agricultural lands while promoting 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 an on-site tasting room, with events, 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 on-site tasting rooms are permitted on a zoning lot entirely located within the A-1 agricultural district; split-zoned lots or zoning lots consisting of different zoning districts shall not be permitted. The use shall be 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 on-site tasting rooms**. All wineries, micro-breweries, and micro-distilleries with on-site tasting rooms shall comply with the following requirements.

1) The use shall be licensed by all applicable state and federal regulatory authorities.

2) A minimum lot or zoning lot size of 20 acres is required.

3) The total building coverage for all buildings on the zoning lot shall not exceed more than five percent (5%) of the total area of the zoning lot in which the use is located.

4) **Setbacks.**

   a. All new principal or accessory buildings, and accessory structures including decks, patios, tents, 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.

5) **Sales of food, beverages, and merchandise**. Retail sales of food and beverages produced consisting of at least fifty-five percent (55%) of agricultural products grown 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.

6) **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. Catering service is permitted in conjunction with a permitted event in accordance with Subsection D.

7) **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.'

8) **Noise**. Noise shall comply with the requirements of the Township Noise Ordinance.

9) **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 on-site tasting rooms shall be subject to the following buffering requirements.

a. No winery, micro-brewery, or micro-distillery with an on-site tasting room shall be established within one (1) mile of another such winery, micro-brewery, or micro-distillery with an on-site tasting room, measured in a straight line from property line to property line.

b. A waiver or reduction from the buffer requirement in C.9.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 on-site tasting room, and shall be defined and regulated as follows:

1) **Intent.** To protect the health and safety of event goers, and the surrounding community, as well as to mitigate traffic, noise, and other nuisance factors, the Township regulates events in conjunction with a winery, micro-brewery, or micro-distillery tasting rooms.

2) **Requirements for all events**:

a. Events unrelated to the principal use of the winery, micro-brewery, or micro-distillery shall not be held on the premises unless granted the ability to hold events by way of site plan review and special use permit approval. As part of the site plan review process, the Fire Department may restrict maximum occupancy for all future events. The event shall follow the layout of the approved site plan and special use permit, with all accessory uses and activities, even those temporary in nature, taking place in the delineated areas on the plan.

b. A maximum of four events per any 30-day period shall be permitted.

c. The event shall not include overnight sleeping accommodations for attendees.

d. Event operations shall occur only between the hours of 10:00 am and 10:00 pm.

e. Parking for Events.

i. 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.

ii. Any tents used in conjunction with an event shall provide parking as required in Section 9.07 for ‘dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ball rooms or any similar type of use.’

iii. Overflow parking may be provided for events and shall count toward the minimum parking requirements of this subsection 5.16.D.2.e. Such overflow parking may take place on a specified grass area so long as it complies with the parking space and maneuvering aisle requirements of Section 9.05 and meets the parking setback requirement of Section 5.16.C.4.b.

iv. If the applicant demonstrates to the satisfaction of the Planning Commission that the event layout, function, and hours of operation do not require the amount of parking that would be required by the preceding requirements of this subsection 5.16.D.2.e., the applicant may submit a parking study authored by a certified professional traffic

operations engineer (PTOE). In that case, the provided parking shall meet the minimum parking identified in the parking study.

f. Brand promotional events, subject to the Michigan liquor control code and administrative rules/orders, are permitted, but there shall be no more than three such events per month.

g. Tents or temporary structures shall be located within the delineated area as specified on the approved plan. Tents or temporary structures shall be installed and removed within 48 hours of the start and conclusion of the event. However, the Fire Department and Building Department may permit a tent to remain installed for a longer period not to exceed 180 days.

h. Food trucks are permitted within delineated area as specified on the approved plan.

Proposed Zoning Text Amendments – Mark-Up Version

Please note: text that was updated from the October 7, 2026 discussion is symbolized in blue underline. Deleted text is symbolized in ~~strikethrough~~.

SECTION 2.01 – DEFINITIONS

Cidery: A state-licensed facility – see Winery.

Lot, Zoning: A single tract of land, not separated by a public or private road right-of-way, at the time of applying for a zoning permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control and which tract satisfies the applicable requirements of this Ordinance in every respect and is entirely located within a singular zoning district on the zoning map. A zoning lot may, therefore, not coincide with a lot of record, but may include one (1) or more lots of record.

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, On-Site: 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 4.10 – AGRICULTURAL A-1 – INTENT

A. A-1 Agricultural Use Regulations: Uses Permitted By Special Use Permit
    2. Wineries, microbreweries, and micro-distilleries, subject to Section 5.16

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 preserve agricultural lands while promoting 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 an on-site 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 on-site tasting rooms are permitted on a zoning lot entirely located within the A-1 agricultural district; split-zoned lots or zoning lots consisting of different zoning districts shall not be permitted. The use shall be 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 on-site tasting rooms**. All wineries, micro-breweries, and micro-distilleries with on-site tasting rooms shall comply with the following requirements.

1) The use shall be licensed by all applicable state and federal regulatory authorities.

2) A minimum lot or zoning lot size of 20 acres is required.

3) The total building coverage for all buildings on the zoning lot shall not exceed more than five percent (5%) of the total area of the zoning lot in which the use is located.

4) **Setbacks.**

a. All new principal or accessory buildings, and accessory structures including decks, patios, tents, 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.

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9) **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 on-site tasting rooms shall be subject to the following buffering requirements.

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   b. A waiver or reduction from the buffer requirement in C.9.a. may be granted by the Planning Commission upon finding of all of the following criteria are met:

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2) **Requirements for all events**:

   a. Events unrelated to the principal use of the winery, micro-brewery, or micro-distillery shall not be held on the premises unless granted the ability to hold events by way of site plan review and special use permit approval. As part of the site plan review process, the Fire Department may restrict maximum occupancy for all future events. The event shall follow the layout of the approved site plan and special use permit, with all accessory uses and activities, even those temporary in nature, taking place in the delineated areas on the plan.

   b. A maximum of four events per any 30-day period shall be permitted.

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      i. 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.

      ii. Any tents used in conjunction with an event shall provide parking as required in Section 9.07 for ‘dance and union halls, civic clubs, fraternal orders, conference rooms, exhibit halls, ball rooms or any similar type of use.’

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maneuvering aisle requirements of Section 9.05 and meets the parking setback requirement of Section 5.16.C.4.b.

iv. If the applicant demonstrates to the satisfaction of the Planning Commission that the event layout, function, and hours of operation do not require the amount of parking that would be required by the preceding requirements of this subsection 5.16.D.2.e., the applicant may submit a parking study authored by a certified professional traffic operations engineer (PTOE). In that case, the provided parking shall meet the minimum parking identified in the parking study.

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g. Tents or temporary structures shall be located within the delineated area as specified on the approved plan. Tents or temporary structures shall be installed and removed within 48 hours of the start and conclusion of the event. However, the Fire Department and Building Department may permit a tent to remain installed for a longer period not to exceed 180 days.

h. Food trucks are permitted within delineated area as specified on the approved plan.

To	**Whitewater Township Planning Commission**
From	Randy Mielnik
Date	October 27, 2026
Re	STR's

At the October Planning Commission meeting, our chairperson asked us to consider STRs and share thoughts on how potential STR licensing regulation connects to zoning. Planning Commission members understand that while an STR licensing regulation is a separate general ordinance, it may be related to requirements associated with various zoning districts.

My thoughts are listed below. For newer PC members, I also provide a brief history of recent steps toward addressing STRs.

HISTORY

- WINTER of 2022 – Township Newsletter tells residents that STR's are not allowed
- 2023 – Master Plan Survey conducted –34% say we should regulate STR's. 32% say we should just allow them (no restrictions). 29% say we should prohibit them. 5% are not sure. The Master Plan points out inconsistency between community attitudes and existing regulation. *Less than 3 out of 10 people agreed with current policy.*
- April 2025, a resident proposes an amendment to the zoning Ordinance to address STR's in Whitewater Township. The PC and TB rejected this amendment to allow efforts to learn more about community attitudes and thoughts on STR regulation to proceed.
- Late 2025 – ROWG is formed and begins information collection.
- January 2026 – A community workshop takes place with support from MSU extension and provides community dialogue and conversation about STR's.
- July 2026 – EPIC-MRA Mail and Phone Survey is conducted: 45% say we should regulate STR's (allow with restrictions). 17% say we should allow them without restrictions. 35 % say we should prohibit them. Beyond this, the survey provides a deeper dive into the many facets of local attitudes toward STRs in Whitewater Township. The planning commission received a lengthy presentation of results in August 2026.

NEXT STEPS

Building on the ROWG's efforts, the initial approach to STR regulation is to follow the approaches used in neighboring townships (Acme, East Bay, Milton, Elmwood, etc.). This includes adopting a general ordinance to require a license to operate an STR. Such an ordinance defines basic requirements for obtaining an STR license (fire inspections, occupancy limits, manager identification, etc.). Besides this, additional restrictions may be included and tied to zoning districts that address the fact that STRs can be more problematic where residential density (housing units per acre) is highest. The chart provided below lists thoughts on STR regulation as connected to zoning districts.

Zoning District	Allowed	Allowed with restrictions	Supporting Doc and page no.	Reason
R1		Yes. – Min. Separation distance	ZO –Page 4-1 Epic Survey Q23-28	1. Community support for STR's is about 50% in R-1 shoreline areas but slips to 48% in other R-residential areas. 2. The minimum lot size in R-1 is just 20,000 square feet (100 feet of frontage). This density is about 2 housing units per acre. 3. A minimum distance requirement between STR's seems reasonable in R-1 to help avoid the cumulative impacts of STR's near each other. Non-STR residents would be greatly impacted by multiple nearby STRs in R-1 areas. 4. Defining a specific separation distance requires more study to provide desired protection.
R2		Yes. – Min. Separation distance	ZO –Page 4-1 Epic Survey Q23-28	1. Community support for STR's is about 50% in R-1 shoreline areas but slips to 48% in other R-residential areas. 2. The minimum lot size in R-2 is just 12,000 square feet for a single-family dwelling. This density is about 4 housing units per acre. R-2 allows single-family and duplex housing units. 3. A minimum distance between STR's seems reasonable in R-2 to help avoid the cumulative impacts of STR's near each other. Non-STR residents would be greatly impacted by multiple nearby STRs in R-2 areas. 4. Defining a specific separation distance requires more study to provide desired protection.
R3-		Yes. – Min. Separation distance	ZO –Page 4-1 Epic Survey Q23-28	1. The minimum lot size in R-3 is just 11,000 square feet per housing unit. This density is about 4 housing units per acre. R-3 allows for a variety of housing types. 2. A minimum distance between STR's seems reasonable in R-2 to help avoid the cumulative impacts of STR's near each other. Non-STR residents would be greatly impacted by multiple nearby STRs in R-2 areas. 3. Defining a specific separation distance requires more study to provide desired protection.
C1	Yes	No Additional Restrictions	ZO –Page 4-1 Epic Survey Q23-28	1. 72% of Survey responses indicated support for STR's in commercial areas.

Zoning District	Allowed	Allowed with restrictions	Supporting Doc and page no.	Reason
V1	Yes	No Additional Restrictions	ZO –Page 4-1 Epic Survey Q23-28	1. V-1 is a mixed-use Zoning District. 72% of Survey responses indicated support for STR's in commercial areas. 2. It is reasonable to assume that some housing units could be built with commercial space, and the housing units could be STR's
N1	Yes	No Additional Restrictions	ZO –Page 4-1 Epic Survey Q23-28	1. 61 % of Survey responses indicated support for STR's in Industrial areas. 2. Housing is currently allowed in industrial areas (but future zoning updates may change that)
A1	Yes	No Additional Restrictions	ZO –Page 4-1 Epic Survey Q23-28	1. 55% of Survey responses indicated support for STR's in Agricultural Areas 2. The minimum lot size of 40,000 square feet is likely to be large enough to reduce off-site STR impacts.
RC1	Yes	No Additional Restrictions	ZO –Page 4-1 Epic Survey Q23-28	1. 55% of Survey responses indicated support for STR's in Agricultural Areas 2. The minimum lot size of 5 acres is likely to be large enough to reduce off-site STR impacts.
PUD	Yes	No Additional Restrictions		1. Approval conditions of the PUD to govern.

Sadie Merchant – STR Zoning Research Worksheet

******* While it feels like the community is entirely against rentals in neighborhoods, the independent data proves otherwise. Half of our community supports them on the water, and nearly half support them in standard subdivisions. Banning them entirely ignores the property rights of half our taxpayers. Restricting them tightly through zoning is the only way we honor both sides of the vote.***

Zoning District	Allowed	Allowed with restrictions	Supporting Doc and Page No.	Evidence-Based Justification (Why Allow Them vs. Why Restrict Them)
R1 (Residential - Shoreline / Waterways)		**X**	Survey Report, p. 4, 18-19, 30; Workshop Report, p. 11, 24	**Why Allow:** Exactly **50% of all surveyed residents support STRs on shorelines** (32% strongly, 18% somewhat), and 73% of those favoring a balanced approach support them here. Supporters emphasize that waterfront cottage rentals are a historical part of "cabin summers" and provide crucial revenue (29% of supporters) to help generational families preserve their land in the face of rising waterfront property taxes. **Why Restrict:** Shoreline areas face the sharpest neighborhood friction (55% of lake residents want total prohibition) due to noise, lake access issues, and fears of high-occupancy strain on fragile waterfront septics. Tight restrictions (e.g., tying guest limits to bedroom/septic counts) respect both property rights and environmental safety.
R2-single family		**X**	Survey Report, p. 18-19, 30; Workshop Report, p. 11, 24	**Why Allow:** There is strong baseline support (**48% total support** among all residents, rising to 70% among those favoring regulated STRs) for allowing them in non-shoreline residential subdivisions. Public input shows STRs provide a critical pathway to homeownership, helping young families afford mortgage payments and helping retirees maintain financial independence on fixed incomes. **Why Restrict:** Unregulated unhosted units can deplete permanent single-family housing stock. Restricting them ensures they remain a tool for local families rather than outside commercial interests.
R2-two family		**X**	Survey Report, p. 19, 25; Workshop Report, p. 11, 26	**Why Allow:** Residents note that multi-unit structures like duplexes are ideal for generating supplemental revenue, allowing an on-site owner to live in one unit and rent out the other to pay down their property debt. **Why Restrict:** To prevent corporate buyers

				from purchasing entire duplexes to run dual unhosted commercial operations, permits should feature a primary residency or "hosted rental" requirement (supported by 45% of total survey respondents) to ensure on-site accountability.
R3-single family		**X**	Survey Report, p. 18-19; Workshop Report, p. 11, 14	**Why Allow:** Part of the 48% public support for standard subdivisions includes higher-density areas where property owners demand equal property rights to leverage their homes for seasonal income, such as hosting visitors for regional events like the Great Lakes Equestrian Festival ($120M local impact). **Why Restrict:** Higher-density blocks are highly vulnerable to parking overflows and neighborhood disruption. Restrictions must feature strict caps on vehicles (no yard or street parking) and mandatory quiet hours (11 PM - 7 AM).
R3-multi family		**X**	Survey Report, p. 19, 27; Workshop Report, p. 15, 19	**Why Allow:** Keeps rules consistent across all housing classifications so multi-family property owners are not treated discriminatorily compared to single-family owners, allowing local landlords to optimize seasonal revenue. **Why Restrict:** Public sentiment is highly protective of workforce housing. Unrestricted multi-family STRs incentivize landlords to remove units from the long-term market. The commission should consider a strict cap on the percentage of units within a single structure that can hold an STR license.
C1 (Commercial)	**X**		Survey Report, p. 17; Workshop Report, p. 13, 24	**Why Allow:** This zone carries the **highest community consensus at 72% total support**. Residents broadly agree that unhosted investor platforms function exactly like commercial hotel enterprises, making commercial zones the most appropriate place for them. **Why Restrict/Not Restrict:** Very low community friction exists here. There is minimal justification for added restrictions because commercial corridors are already designed to absorb high traffic, business activities, and transient turnover.
V1 (Village Mixed-Use)		**X**	Workshop Report, p. 11, 13, 24	**Why Allow:** Directly benefits village business development by keeping tourist dollars local. Visitors staying in walkable

				village centers spend heavily at local retail shops, farmers, orchards, and restaurants. **Why Restrict/Not Restrict:** Because village settings blend commercial activity directly with tight residential living, noise and parking carry immediate neighborhood impacts. Restrictions are required to police late-night quiet hours (11 PM - 7 AM) and mandate responsive management.
N1 (Industrial)	**X**		Survey Report, p. 17	**Why Allow:** Enjoys an incredibly strong **61% total support** from the public. It creates alternative property monetization avenues for landowners in low-density industrial sectors. **Why Restrict/Not Restrict:** Because there is virtually zero baseline friction, neighborhood interaction, or quality-of-life conflict with existing single-family residential blocks, standard zoning safety oversight is sufficient.
A1 (Agricultural)		**X**	Survey Report, p. 7, 18; Workshop Report, p. 11, 13, 24	**Why Allow:** Carries **55% total community support**, jumping to 83% among agricultural residents. Allowing STRs provides critical secondary revenue to help multi-generational farming families pay climbing real estate taxes, allowing them to keep their farms intact without being forced to subdivide their acreage. **Why Restrict/Not Restrict:** While larger lot sizes (2+ acres) naturally buffer noise and parking, agricultural integrity must be protected. Rules should ensure that large-scale corporate groups do not buy up open rural acreage to establish unmanaged, unhosted vacation camps.
RC1 (Recreational/Conservation)		**X**	Survey Report, p. 7, 17; Workshop Report, p. 11, 15, 24	**Why Allow:** Enjoys **55% total public support**, climbing to 89% among recreational area landowners. It exposes new visitors to the township's natural beauty, generating repeat tourism and boosting the local economy. **Why Restrict/Not Restrict:** Fragile

				environmental ecosystems require strict oversight. Public feedback demands restrictions to prevent trespassing on public preserves, mitigate seasonal strain on rural emergency services, and aggressively block the spread of aquatic invasive species from transient watercraft.
PUD (Planned Unit Development)		**X**	Survey Report, p. 17; Workshop Report, p. 16, 24	**Why Allow:** Respects custom development guidelines and honors the underlying intent of the neighborhood's original project plan. **Why Restrict/Not Restrict:** Public comments heavily emphasize that private subdivisions and Homeowners Associations (HOAs) should maintain the ultimate flexibility to self-regulate or ban transient rentals through their own binding master deeds and association bylaws.

Zoning District	Allowed	Allowed with restrictions	Supporting Doc and page no.	Reason
R1	NO	NO	WWT Zoning Ord:4-5	minimum lot size is 20,000 sf: see below
			Survey report p11	Q9 neg exp living near STR: 69% shoreline, 61% < 1 acre
			Survey report p14	Q10 should STRs be allowed NO-55% shoreline,46% < 1 acre
			Survey report p19	Q23-Q28 50% total support/ 32% of those living in R1 on water
			ROWG report: legal	MI courts rule STRs are a commercial use*
R2-single family	NO	NO	WWT Zoning Ord:4-5	minimum lot size is 12,000 sf: see below
			Survey report p11	Q9 neg exp living near STR: 61% < 1 acre
			ROWG report: legal	MI courts rule STRs are a commercial use*
R2-two family	NO	NO	WWT Zoning Ord:4-5	minimum lot size is 12,000 sf: see below
			Survey report p11	Q9 neg exp living near STR: 61% < 1 acre
			ROWG report: legal	MI courts rule STRs are a commercial use*
R3-single family	NO	NO	WWT Zoning Ord:4-5	minimum lot size is 12,000 sf: see below
			Survey report p13	Q9 neg exp living near STR: 61% < 1 acre
			ROWG report: legal	MI courts rule STRs are a commercial use*
R3-multi family		YES if allowed by HOA		
C1		YES if lot >40,000sf	WWT Zoning Ord:4-5	no minimum lot size
			Survey report p 17	Q23-28 districts: 72% total support
V1	YES		WWT Zoning Ord:4-5	min lot size: 40,000sf without common water supply and sewage
N1		YES if lot >40,000	WWT Zoning Ord:4-5	no minimum lot size
			Survey report p17	Q23-28 districts: 61% total support
A1	YES		WWT Zoning Ord:4-5	min lot size:40,000[a]
			Survey report p10	Q10 should STRs be allowed YES-50%> 5 acres, 50% A1
			Survey report p17	Q23-28 districts: Ag 55% total/ 70% in Ag
RC1	YES		WWT Zoning Ord:4-5	min lot size: 5 acres
			Survey report p11	Q9 POS exp living near STR: 67% prop size 5 or more acres
			Survey report p17	Q23-28 districts: 55% total support, 74% residents in RC1 support
PUD		YES if allowed by HOA		

*-The Michigan Court of Appeals has repeatedly determined short-term rentals within residential areas are prohibited because they are commercial in nature. Aldrich v. Sugar Springs Property Owners Association. (2023) Case law is very clear that short-term rentals are a commercial activity. Timber Lake Drive Property Owners' Association v. Etta Gribi. Michigan 2025 Court of Appeals, Antrim County

[a]- A1 min. lot size under consideration in Bundle 2

Fellow Planning Commissioners,

As we continue our discussions regarding short-term rental (STR) regulations in Whitewater Township, I would like to share my position on where STRs should be permitted based on our existing zoning districts.

I believe we should take a balanced approach that recognizes the importance of private property rights, supports tourism and economic activity, and protects the residential character of our neighborhoods, particularly our lakefront communities.

My position regarding STRs by zoning district is as follows:

- **Commercial Districts:** STRs should be permitted.
- **Industrial Districts:** STRs should be permitted, subject to applicable building, safety, and zoning requirements.
- **Resort Commercial (RC) Districts:** STRs should be permitted, consistent with the intended recreational and hospitality uses of these districts.
- **R-2 Residential Districts:** STRs should be permitted.
- **R-1 Residential Districts:** STRs should generally be permitted, with consideration given to reasonable limitations or caps if appropriate.
- **R-1 Lakefront Properties:** STRs should not be permitted on properties contiguous with a lake, provided this distinction has adequate legal and planning support.

My primary distinction within R-1 is between traditional residential neighborhoods and properties directly adjoining our lakes. I believe lakefront residential properties warrant additional consideration due to the unique characteristics of these areas, including density, noise, parking, shoreline activity, and the potential impact of transient occupancy on neighboring property owners.

However, **any proposed restriction on lakefront properties must be supported by a sound legal and planning basis.** I would want to ensure that such a distinction is consistent with Michigan zoning law, supported by legitimate land-use considerations, and defensible before adopting it as part of our ordinance.

For non-lakefront R-1 properties, I am open to considering reasonable caps or limitations if we determine they are necessary to preserve neighborhood character. However, I would prefer that we avoid unnecessarily restrictive regulations where there is no demonstrated need.

Importantly, I believe these positions across the various zoning districts are consistent with the direction and discussions from our previously held planning workshops, as well as the results of our recent community survey. Both should help guide our decisions as we develop regulations that reflect the priorities and expectations of township residents.

I also believe we should distinguish between **where STRs are permitted and how they are regulated**. Reasonable operational standards addressing occupancy, parking, noise, safety, and enforcement can apply across permitted districts without unnecessarily restricting property owners' ability to use their properties.

Ultimately, I would like us to establish a clear, straightforward, and defensible zoning framework that respects property rights, reflects the input we have received through our workshops and community survey, and recognizes that not every zoning district or property location is appropriate for the same level of short-term rental activity.

I look forward to discussing these distinctions with the Commission as we work toward a practical and balanced ordinance.

Best regards,

Michael D. Sherman
Planning Commissioner
Whitewater Township

Scott Trumbull PC 2 Whitewater Township

Based on my research and input from public comment, repetitively, it is my belief that short term rentals should not be allowed in any highly populated areas. Below, you will find my top three reasons with finding a fact to support my stance.

1. Residential zoning districts are established to provide permanent, stable housing for year-round residents. Short-term rentals, by definition, involve transient occupancy, guests who stay for periods measured in days, not months or years. This transient character is commercial in nature, comparable to motel or hotel operation, and conflicts with the fundamental purpose of residential districts.

Park Township, a lakeshore community in Ottawa County, has prohibited short-term rentals in all residential districts since at least 1974, permitting them only in its C-two Resort Commercial District. On November 4, 2025, Ottawa County Circuit Court Judge Jon Hulsing upheld that prohibition, affirming that it is disingenuous to argue that the absence of the homeowner while transient guests are renting the home suddenly turned otherwise prohibited commercial activity into a permitted single-family dwelling. The court found the township's Zoning Board of Appeals did not error.

Clinton Township issued formal notice on August 26, 2026, stating that short-term rentals are not permissible anywhere zoned as residential. That notice cited Michigan Court of Appeals precedent holding that short-term rentals are not residential uses, and articulated three policy grounds: preserving the residential nature of neighborhoods and community character, ensuring compliance with permanent-occupancy safety standards, and protecting long-term housing stock for year-round residents. Enforcement treats unpermitted operation as a zoning violation subject to cumulative fines, legal fees, and injunction.

I find the same reasoning applies to Whitewater's residential shoreline and waterway district as well as all other residential zones, where homes are clustered in close proximity and the transient commercial use would undermine the permanent residential character those districts were created to protect. Therefore, in my opinion, short-term rentals should not be permitted as of right in residential districts.

2. Residential districts are where opposition concentrates and neighbor experience runs negative. Based on the STR survey results, shoreline residential is the largest residence group at 38% of respondents, and 51% of shoreline residents still said no under any circumstances on the final ask. Only 32% of shoreline residents supported STRs in shoreline residential areas. Other residential scored 48% township-wide and 32% among shoreline residents. Commercial hit 72%, industrial 61%, agricultural 55%, recreational 55%. Residential is the floor; everything else clears a majority.

3. Based on the STR survey results, the top worries are management at 66%, enforcement at 61%, and neighborhood cohesion at 58%. Even among the 251 people who wanted STRs with restrictions, 65% still said management was a concern. 61%

already deal with one of those three issues from current neighbors. Residential lots are small and packed close together, so one rental's noise, parking, and trash, land right on someone's doorstep. Commercial and industrial areas are built for that kind of activity. Ag and rec parcels are big and spread out. Residential is the one place the survey says people are least able to be comfortable with it.

MICHIGAN STATE UNIVERSITY | Extension

Mika Meyers

Implementing PA 58: Local Strategies for Managing Additional Division Rights

Public Act 58 of 2025 amended the Land Division Act (MCL 560.101 *et seq*.) granting additional division rights beyond the previous statutory limits. While the amendment expands opportunities for property owners to create new parcels for development without platting, there are stated concerns about density, pace of growth, infrastructure capacity, access, development review, and local regulatory authority.

The webinar will:

Examine the statutory changes and their practical implications for local governments. The webinar will focus on ordinance and administrative tools available to improve the outcomes of PA 58 while minimizing the potential negative impacts to the community.

Explore ordinance approaches to address development concerns, including land division review, zoning compliance review, private road regulations, and water and wastewater considerations. The session will also discuss administrative processes, coordination among reviewing agencies, and practical next steps for updating local ordinances and procedures before implementation of the new law.

Who should attend:

Planners, zoning administrators, assessors, municipal attorneys, and other professionals

Details:

December 3, 2026 – Zoom; 10:30am – noon (Eastern)

Cost: $50 regular; $35 Master Citizen Planners

1.5 AICP CM credits by the APA; 1.5 MCP hours

Presented in partnership with Mika Meyers PLC

Register:

https://events.anr.msu.edu/ImplementingPA58

Register:

Contact:

Brad Neumann, Senior Educator
neuman36@msu.edu

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Reasonable modifications/accommodations for program access, including alternative formats for materials, and auxiliary aids for effective communication will be provided to participants at no cost. Requests may be submitted by email at neuman36@msu.edu or by phone at 906-315-2661 at least two weeks prior to the event. Requests received after Nov. 19, 2026 will be evaluated on a case-by-case basis and provided when reasonable.