

**WHITEWATER TOWNSHIP PLANNING COMMISSION AGENDA FOR REGULAR MEETING,**  
**Wednesday, October 5th, 2022 7:00 p.m.,**  
Whitewater Township Hall Via ZOOM and in person  
5777 Vinton Road, Williamsburg, MI 49690  
Phone 231-267-5141/Fax 231-267-9020

Zoom access has been implemented by Whitewater Township for the public through 12/31/2022.

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting:** Topic: Planning Commission

Time: Oct 5, 2022 07:00 PM Eastern Time

<https://us06web.zoom.us/j/89735995014?pwd=U2EvVkhjSFBsR3RWNFg3UE1vdzBodz09>

Meeting ID: 897 3599 5014                      Passcode: 953866

One tap mobile

+13092053325,,89735995014#,,, \*953866# US

+13126266799,,89735995014#,,, \*953866# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

Meeting ID: 897 3599 5014                      Passcode: 953866

Find your local number: <https://us06web.zoom.us/j/89735995014?pwd=U2EvVkhjSFBsR3RWNFg3UE1vdzBodz09>

Kim Mangus, Chairperson – [manguspc@yahoo.com](mailto:manguspc@yahoo.com)

Mike Jacobson, Vice Chairperson – PO Box 159, Williamsburg MI 49690

Carlyle Wroubel – [pc5@whitewatertownship.org](mailto:pc5@whitewatertownship.org)

Alex Darrow – [pc2@whitewatertownship.org](mailto:pc2@whitewatertownship.org)

Al Keaton, Secretary – PO Box 159, Williamsburg MI 49690

Rachael Steelman, – [rachelsteelman42s174e@yahoo.com](mailto:rachelsteelman42s174e@yahoo.com)

Heidi Vollmuth – Township Board Representative – [heidivourtrustee@gmail.com](mailto:heidivourtrustee@gmail.com)

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. Public Comment: Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
  - a. Comments shall be directed to the Commission, with questions directed to the Chair.
  - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
  - c. Persons may address the commission on matters that are relevant to township planning and zoning issues.

- d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
- e. Public comment shall be limited to 3 minutes.

6. Public Hearings: NA

7. Approval of minutes of September 7<sup>th</sup>, 2022

8. Correspondence: Denise P., Al K.

9. Reports/Presentations/Announcements/Comments

- a. Zoning Administrator: Hall
- b. Chair: Mangus
- c. Township Board Representative: Trustee Vollmuth
- d. ZBA Representative: Wroubel

10. Unfinished Business:

- a. Update on ZO amendments submitted to board.
  - #83 - Articles 1,12, and 14
  - #84 - Article 25, Site-Plan and SUP
  - #80 - Article 25, Adult-Use Marihuana
- b. Report on township board special meeting with attorney to discuss pending ZO article amendments, moratorium, and insurance coverage policy for all board and commission members.
- c. Amendment #85, Medical Marijuana Amendment submission to township board
- d. Citizen Planner enrollment
- e. Workgroup report on Articles 28, 31, and 32 – Authorize letter to attorney.
- f. Planning Consultant and Master Plan Review: Status
- g. Update on pending projects: Article 5 Districts, ZO Word Copy.

11. New Business: None

- a. First review of Article 25, SUP standards for commercial campgrounds

12. Next Meeting: Additional Meeting? 2022 – Time?

13. Public Comment

14. Commission Discussion/Comments

15. Continuing Education: Provided by Heidi V.

16. Adjournment Tabled Items: None

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141 or the TDD at 800-649- 3777

WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING  
w/ public participation via Zoom  
September 7, 2022

Call to Order at 7:03 p.m.

Roll Call: In person: Darrow, Jacobson, Keaton, Mangus, Steelman

Absent: Wroubel

Unfilled seat: Township Board Representative

Also in attendance: Zoning Administrator Hall via Zoom, Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: Mangus noted that she owns property that has been made into a site condo.

Public Comment:

Scott Jozwiak, East Bay Township resident, civil engineer, commented that he is working on a project in Whitewater Township with a site plan review and was told this afternoon about the moratorium. He noted that he is going on record that he is anxious to get going on this project that they have been working on for months and just now learned there is a moratorium. Requested the PC intervene with the township board to move on a site plan review, not special use, to move forward on the process. Mangus recommended taking the request to the Board.

Vicky Beam, 6847 Baggs Road, commented that she is not against development, passed out information on the Baggs Road project, quoted Hall from previous meeting, width to depth ratio, campground, rural character.

Connie Hymore, Baggs Road, commented on General Ordinance availability, zoning articles and amendments.

Linda Slopsema commented on marihuana.

No name given commented on terminology and definitions.

Public Hearing: None

Approval of Minutes:

MOTION by Steelman, to approve July 19, 2022, closed session meeting minutes as presented; second by Jacobson. Roll call: Wroubel-N/A; Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes; Steelman-yes. Motion carried.

August 3, 2022, meeting minutes: Remove the reference to the findings of fact regarding the medical marihuana amendment.

MOTION by Jacobson to accept minutes as amended; second by Darrow.

Roll call: Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes; Steelman-yes; Wroubel-N/A. Motion carried.

Correspondence: Included in packet. Mangus noted the article from the Traverse City Ticker.

Reports:

*Zoning Administrator Report, Hall:*

Site Plan review and special land use are two separate items.

Importance of consistency in language in the ordinances.

Continue to receive inquiries regarding short term rentals (STR). Short term rentals are not permitted in the township.

ZA has been requested by the supervisor to address the "complaint manual" regarding ordinance administration and ordinance enforcement. We have no remedies, only a recommendation to go to the township board. Typically if you do not have municipal civil infraction (MCI) ordinances you can only initiate legal action through the circuit court, with is 10 to 20 times more expensive than issuing an MCI and going through the district court.

Regarding the moratorium, there has been email communication with Mr. Jozwiak. Developers are out there and they cannot do a thing right now. Normally a board will instruct the PC to work exclusively on the moratorium issues to get it addressed as moratoriums are frowned upon.

ZBA had a couple cases regarding nonconformities. The ordinance that addresses nonconformities gives little to no

guidance to the zoning board of appeals and is lacking detail and direction. Planning and Zoning News regarding nonconformities passed out.

Land Use Permit (LUP) activities have slowed. Have been advised by the attorneys to not take any applications, do not begin any review processes, do not take any money, don't do anything right now.

Questions regarding ordinances can be looked into on "ask the expert" or "ask an expert", a nationwide university extension service.

*Chair's Report, Mangus:* Adult use marihuana ordinance has been rescinded by the board and medical marihuana is on the agenda at their September 13, meeting.

The Planning Commission's site plan review and special use permit amendment recommendations have been sent to the board. The board has not addressed them yet. It is on their September meeting agenda. No other direction has come from the board. No check list has come from the board as to what needs to be done for the board to lift the moratorium.

*Township Board Rep,.* None assigned.

*ZBA Representative, Wroubel:* Via Hall, two cases August 25, 2022, regarding nonconformities. Both parcels were built on before zoning was implemented and both are considered nonconforming so any changes need to be approved by the ZBA. One was keeping the nonconformity of being in the setback and the other moved the new building out of the setback bringing the property more into conformity.

*Committee Reports:* None.

*Additional Items:* None.

#### Unfinished Business:

1. Update on pending amendments. Both amendments are on the board agenda along with a recommendation to fill the Board representative to the PC seat with Heidi Vollmuth.
2. Article 25, Medical Marihuana Amendments Discussion. Continue or postpone until the board makes their determination at their next meeting.  
Consensus to delay discussion of the medical marihuana until the next meeting.
3. PC Training and Continuing Education.  
Citizens Planner program is available to all online and recommend everyone take it. Darrow, Steelman, Keaton are interested in starting in October. Jacobson is interested in starting after the first of the year.
4. Articles 28.11.D, 31, and 32 strategies to address issues related to Board SUP moratorium.  
Article 28:  
Mangus passed out the condominium ordinance that was in place prior to being amended in March of 2021. Mangus provided some explanation on Article 28.  
Discussion ensued. Language, terminology, clarity and consistency are important throughout the ordinance(s). Mangus and Steelman will work on the fine tuning on Article 28.  
**MOTION** by Mangus for Mangus and Steelman to work as a subcommittee to prepare and send a list of questions and recommendations for the attorney; second by Keaton.  
Roll call: Steelman-yes; Jacobson-yes; Mangus-yes; Wroubel-N/A; Keaton-yes; Darrow-yes. Motion carried.  
The goal is to have a draft back in October.  
  
Article 31 and 32:  
**MOTION** by Jacobson for Mangus and Steelman to work as a subcommittee to prepare and send a list of questions and recommendations for the attorney on Articles 31 and 32; second by Keaton.  
Roll call: Keaton-yes; Mangus-yes; Wroubel-N/A; Steelman-yes; Darrow-yes; Jacobson-yes. Motion carried.  
The goal is to have a draft back in October.
5. Proposed Adult-Use ZO amendment – forward to Board? Can move it forward to the board to adopt or not adopt as a completed, rejected amendment.  
Whereas Adult-Use Marihuana has been rejected by Whitewater Township residents by a referendum of the voters. The Planning Commission recommends disapproval of the proposed amendment establishing Adult Use Marihuana Grow and Processing establishment as a Special Use.

**MOTION** by Jacobson to forward Adult Use Marihuana Grow and Process zoning ordinance to the board based on the stated findings of fact, with a recommendation of disapproval, second by Darrow.

Roll call: Mangus-yes; Wroubel-N/A; Keaton-yes; Steelman-yes; Darrow-yes; Jacobson-yes. Motion carried.

6. Planning Consultant is on the next board agenda.
7. Master Plan review is on hold until we have a consultant available.
8. Update on pending projects: Article 5, Districts and mapping and the Zoning Ordinance Word copy are on hold until the moratorium is lifted.

New Business:

1. First review of Article 25, Special Use Permit (SUP) standards for commercial campgrounds.  
Discussion ensued regarding specifics and definitions.  
Read through of ZO Article 25.22 and change recommendations.  
Mangus will update and bring back.

Next Regular Meeting is scheduled for October 5, 2022, 7 p.m.

Next meeting agenda ,

Public Comment:

Tom McElwee commented on communication and lack of guidance from the board.

No name given commented length of camping stay in relation to voting rights.

Connie Hymore, Baggs Road, commented on Hall being present at the meeting with possible covid exposure, ZBA cases, site condos, and guidelines.

Randy Mielnik, 9304 Wheeler Oaks, provided a proposal to the board as a planning consultant and commented on standards, definitions, resources available and the moratorium timing,

Vicky Beam, Baggs Road, commented on subcommittee, planning consultant, conflict of interest, width to depth ratio, no return comment from Baggs Road developer, flow chart, public feedback, green space and buffers.

Vicki Emerson commented on new PC members, MTA training, research, consultant, resources, efficiency, communication and covid exposure.

Commission Discussion/Comments: Mangus commented on what is and is not allowed and what is and is not appropriate regarding commission communication. The Planning Commission does not have control over the Board, Zoning Board of Appeals or the Zoning Administrator.

Continuing Education: Planning & Zoning News “Regulating Nonconformities” provided by ZA Hall.

Adjournment: 10:03 p.m.

Respectfully Submitted  
Lois MacLean,  
Recording Secretary

## RV/campground

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From: Al Keaton (kakeaton@charter.net)

To: manguspc@yahoo.com; supervisorwhitewater@gmail.com

Date: Saturday, August 20, 2022 at 06:02 PM EDT

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Kim, Ron,

I talked with the Manistique Lakeshore Campground Park manager and she shared the City of Manistique spent considerable time and effort talking with RV'ers and campers seeking input prior to construction. The trees were inventoried to maintain a balance prior to construction. We've stayed at the campground several times, the park is extremely well designed and thought-out. Attached is a aero view and a map of the park.

Some of the design requests were; green space between lots, fire rings for camp fires, screw in sewer fitting required (health dept), one way traffic maximizing lot density, site measurements were 70' x 40', visible lot numbers (911) and a restroom and shower facility.

The 70'x 40' example used here is the same as Traverse Bay RV Resort which seems to be a consistent standardize lot size.

This example, 22 acres consisting of 56 sites or 2 ½ sites per acre. When you consider within this acreage are roads, rest room/bath house, pump out station (2), dumpsters, hooking up and unhooking site, parking, office, and utility easements that's a lot to squeeze into 22 acres.

The TWP should require a plan for sewage handling, potable water supply, and can a proposed project enter the electrical grid uneventfully.

Growth is inevitable and the residents deserve to have requirements maintaining our rural concept allowing for quality to be inputted into the growth plans of our developers (win/win).

Thank you,

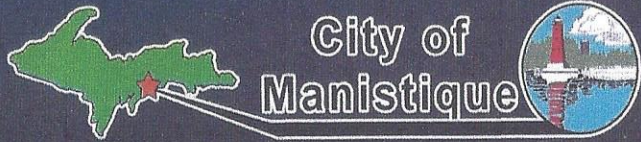
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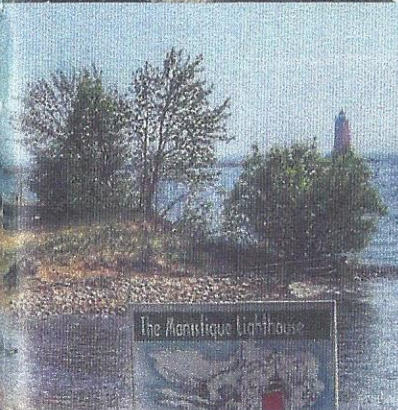
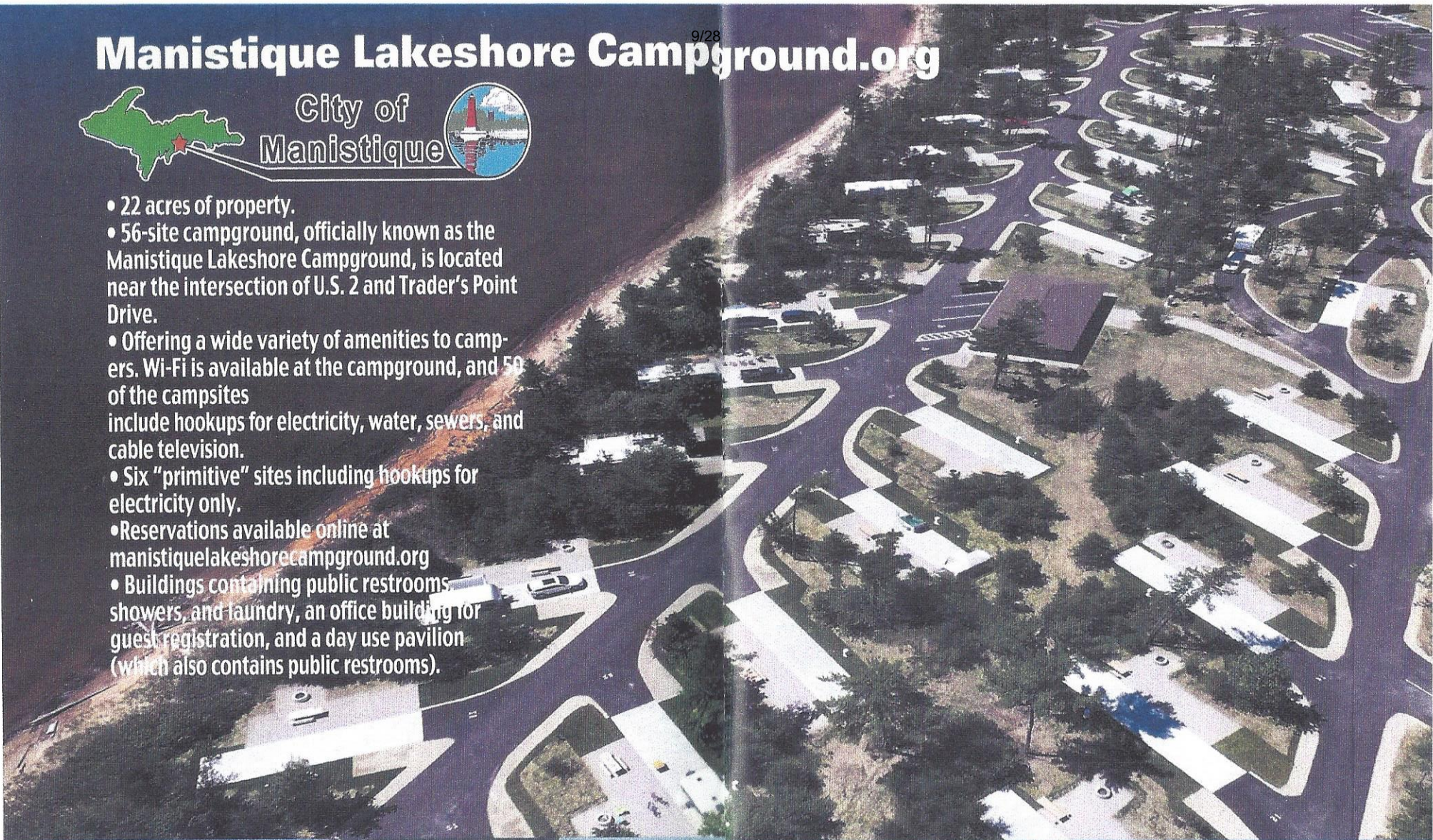


# Manistique Lakeshore Campground.org



City of  
Manistique

- 22 acres of property.
- 56-site campground, officially known as the Manistique Lakeshore Campground, is located near the intersection of U.S. 2 and Trader's Point Drive.
- Offering a wide variety of amenities to campers. Wi-Fi is available at the campground, and 50 of the campsites include hookups for electricity, water, sewers, and cable television.
- Six "primitive" sites including hookups for electricity only.
- Reservations available online at [manistiquelakeshorecampground.org](http://manistiquelakeshorecampground.org)
- Buildings containing public restrooms, showers, and laundry, an office building for guest registration, and a day use pavilion (which also contains public restrooms).





# 2022 MANISTIQUE LAKESHORE CAMPGROUND

## Guide Book

8/26

320 Traders Point Dr.  
Manistique, Michigan 49854  
(906) 286-1696  
www.manistiquelakeshorecampground.org

WEST BREAKWATER

BOARDWALK

PAVILION

LAKE MICHIGAN

RESTROOM  
& SHOWER

Traders Point Dr.

to US-2

Site #



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P4

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P6

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## Email Correspondence for October 2022

Denise P.

Kim,

I have attached a link to an article from Time magazine on climate change which mentions Michigan. I have read several articles on Michigan and future fresh water needs. I would like this to be included in the planning commission's next meeting package to emphasize the importance of the master plan controlling orderly population growth. It should be mandatory for a large site condo to have fire hydrants. We only have 1 fire engine truck which covers 54? square miles. If the site condo has a water tower, they could actually have many cell towers on top like Elk Rapids if on top of a hill.

<https://apple.news/ABbwhFvrJROWWTFI5FZBI> A

"Where we'll end up living as the planet burns"

By Gaia Vince , August 31, 2022

Kim,

<https://time.com/6209432/climate-change-where-we-will-live/>

Michigan is mentioned in paragraph starting with "north of the 45th parallel....."

Denise

## Suggested Findings of Fact – Medical Marihuana

### ZO Amendment #85

Whereas Adult-Use Marihuana has been rejected by Whitewater Township residents by a referendum of the voters.

Whereas the Whitewater Township Board has voted to resend authorization for both adult-use and Medical Marihuana, commercial grow and processing facilities within Whitewater Township.

The Planning Commission recommends disapproval of Sections 1-5 of the proposed amendment #85 establishing Medical Marihuana Grow and Processing establishments as a Special Use.

Whereas Marihuana Caregiver Operations are permitted within the State of Michigan and Whitewater Township.

Whereas common sense guidelines would be helpful for residents and neighbors to be aware of standards for such establishments.

Whereas enforcement of standards can be addressed locally if within ordinance.

The Planning Commission recommends approval of the definition of **MARIHUANA CAREGIVER OPERATION, MARIHUNA PRIMARY CAREGIVER, and MARIHUANA QUALIFYING PATIENT** from section 1, and Sections 6-11 of the proposed amendment #85 regarding Medical Marihuana Grow and Processing.



**WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY, MICHIGAN  
MARIHUANA BUSINESS ZONING ORDINANCE AMENDMENT**

*An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Medical Marihuana Facilities, and Primary Caregiver operations; and designate such Facilities, Establishments, and Operations as permitted or special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.*

**THE TOWNSHIP OF WHITEWATER ORDAINS:**

**SECTION 1. AMENDMENT OF ARTICLE III, DEFINITIONS:** The Whitewater Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

**RESIDENTIAL DEVELOPMENTS** shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use.

**MARIHUANA RELATED DEFINITIONS:**

**MMFLA:** Medical Marihuana Facilities Licensing Act

**MRTMA:** Michigan Regulation and Taxation of Marihuana Act

**MARIHUANA CAREGIVER OPERATION:** is the cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 ("MMMA"), See Article 37.60."

**MARIHUANA CONSUMPTION ESTABLISHMENT:** meaning a designated consumption establishment as that term is defined by the Department of Licensing and Regulatory Affairs (LARA) and/or the Cannabis Regulatory Agency (CRA) or its successor, being a commercial space that is licensed by LARA and/or the CRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA.

**EXCESS MARIHUANA GROWER:** as that term is defined by LARA and/or the CRA or its successor, being a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer to marihuana establishments.

**MARIHUANA BUSINESS:** means a business involving one or more licenses issued under the MMFLA, MRTMA, or both, and explicitly and specifically authorized as a permitted use within one of the zoning districts under this Ordinance.

**MARIHUANA EVENT ORGANIZER:** as that term is defined by LARA and/or the CRA, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA.

**MARIHUANA GROWER:** as that term is defined in the MRTMA, being a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments or a grower as that term is defined in the MMFLA, being a commercial entity located in this state that cultivates, dries, trims, or

cures and packages marihuana for sale to a processor, provisioning center, another grower, or other facility or establishment authorized by law.

**MARIHUANA MICROBUSINESS:** as that term is defined in the MRTMA or under rules promulgated by LARA and/or the CRA, being a person licensed to cultivate a limited number of marihuana plants not exceeding 300; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments not authorized by law.

**MARIHUANA PRIMARY CAREGIVER:** means a person who has agreed to assist a patient with the medical use of marihuana and has a valid state license to do so. See Article 37.60.

**MARIHUANA PROCESSER** as that term is defined in the MRTMA, being a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments or a processor as that term is defined in the MMFLA, being a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale.

**MARIHUANA RETAILER:** as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

**MARIHUANA SAFETY COMPLIANCE FACILITY:** as that term is defined in the MRTMA and in the MMFLA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.

**MARIHUANA SECURE TRANSPORTER:** as that term is defined in the MMFLA or under the MRTMA.

**TEMPORARY MARIHUANA EVENT:** as that term is defined by LARA, and/or the CRA, being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license.

**MARIHUANA QUALIFYING PATIENT** is a person who had been diagnosed by a physician as having a debilitating medical condition being treated by marihuana. See Article 37.60

**OTHER MARIHUANA RELATED DEFINITIONS:** other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Whitewater Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Whitewater Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities. Any other marihuana related terms undefined by other Whitewater Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Cannabis Regulatory Agency (CRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.



**SECTION 2. AMENDMENT OF ARTICLE 6, SECTION 6.10, PERMITTED USES:** The Whitewater Township Zoning Ordinance, Article 6 Residential R-1, Section 6.10, Permitted Uses, shall be amended to include the following:

- I. Caregiver Operations subject to the standards in Article 37.60.

**SECTION 3. AMENDMENT OF ARTICLE 9, SECTION 9.11, USES PERMITTED BY SPECIAL USE PERMIT:** The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

- E. Medical Marihuana Grower subject to the standards of Article 25.22.E.
  - F. Medical Marihuana Processor subject to the standards of Article 25.22.E.
- Renumber balance of section, 9.11, without change to text.

**SECTION 4. AMENDMENT OF ARTICLE 10, SECTION 10.11, USES PERMITTED BY SPECIAL USE PERMIT:** The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

- C. Medical Marihuana Grower subject to the standards of Article 25.22.E.
  - D. Medical Marihuana Grower subject to the standards of Article 25.22.E.
- Renumber balance of section, 10.11, without change to text.

**SECTION 5. AMENDMENT OF ARTICLE 25, SECTION 25.22, ADDITIONAL CONDITIONS OF SPECIAL USES:** The Whitewater Township Zoning Ordinance, Article 25 Site Plan Review and Special Land Uses, Section 25.22, Additional Conditions of Special Uses, shall be amended to include the following:

#### **E. SUP MARIHUANA BUSINESSES.**

**Statement of Intent:** It is the intent of this section to provide for the regulation of Commercial Medical and Adult-use Marihuana Facilities and Establishments and designate such Facilities, and Establishments, requiring a special use permit in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

Any SUP application for a Commercial Medical Marihuana Facility or Marihuana Establishment shall meet and comply with the following standards and shall include the following information in addition to the existing requirements for site plan and SUP approval.

1. Applicants shall provide the following:
  - a. Whether the Marihuana Business will be a principal or accessory use on the property:
    - 1) An SUP for a Marihuana Business may be granted as a principal or accessory use in the Agricultural District (Ag).
    - 2) An SUP for a Marihuana Business may be granted as a principal use in the Industrial (N) districts.

- b. A waste disposal plan detailing plans for solid, liquid, chemical, plant, and byproduct disposal or processing which conforms to all legal requirements such as but not limited to the State of Michigan Department of Environment, Great Lakes and Energy (or its successors) regulations for growing and processing marihuana currently in effect.
- c. A security plan that details compliance with the following requirements:
  - 1) Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Marihuana Business's building; and
  - 2) Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
  - 3) A locking vault permanently affixed to the Marihuana Business's building that shall store all cash or product as required by Michigan state law; and
  - 4) All Marihuana in whatever form stored at the Marihuana Business's building shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Marihuana Business's building; and
  - 5) All security recordings and documentation shall be preserved for at least forty-five (45) days by the Marihuana Business and made available to any law enforcement agency upon request for inspection; and.
- d. Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations.
  - 1) A Security Lighting Plan which takes into consideration neighboring properties.
  - 2) Any artificial lighting must be shielded to prevent glare, be directed away from adjacent properties, and must not adversely affect adjacent properties, streets, or public right of ways.
  - 3) All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other equipment used on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission. Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
- e. All applicants shall provide an energy consumption study and provide verification from energy supplier that facility operations will not impact the functionality of the local energy grid.
- f. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.



- g. There shall be no shipments, deliveries, or mechanized loading/unloading between the hours of 9 p.m. and 8 a.m.
2. Marihuana Businesses are subject to the following conditions:
- a. No Marihuana Business shall be located within one thousand (1000) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Marihuana Business files a complete SUP application and site plan, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property.
  - b. Any structure housing a Marihuana Businesses in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the property.
  - c. Signage shall not indicate the nature of the location as a Marihuana Business. A Marihuana Business can only have a sign if approved by the Township Planning Commission by SUP or under the Additional Signage by Special Use process defined in Article 30.
  - d. A Marihuana Business's operations shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectible to a reasonable person of normal sensitivities beyond the parcel on which the use occurs.
  - e. Incineration shall not be permitted at any Marihuana Business location.
  - f. Marihuana Businesses located in the Agricultural District shall subject to the following additional standards:
    - 1) There shall be a limit of not more than three separately owned and operated Marihuana Businesses to be established within the Agricultural Zoning District, provided nothing in this section shall prevent commonly owned Marihuana Businesses from collocating at the same premises.
    - 2) Any Marihuana Business shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.
    - 3) Any Marihuana Business shall be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
    - 4) Any Marihuana Business shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
    - 5) All Marihuana Business structures and operations shall maintain a three hundred and fifty (350) foot setback measured horizontally between the closest edge of any building or operation and the property line of any of the following: existing residential dwelling not held in like ownership, existing residential development, residential zoning district, or any district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted. See figure (1).
    - 6) All Marihuana Business locations in the Agricultural District shall be on a parcel of land no less than five (5) acres in size.

- 7) Any applicant may be required to provide a traffic impact study indicating potential impact of operation on the surrounding property owners and recommended infrastructure changes.
- g. In addition to these requirements a Marihuana Business shall comply with all state and local laws, regulations, and Ordinances, including without limitation other sections of the Township Zoning Ordinance, the MMFLA and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.
- h. Any Marihuana Establishments shall comply with the underlying zoning in that district.

**Section 6. Amendment of Article 37, Supplementary Provisions:** The Whitewater Township Zoning Ordinance, Article 37 Temporary Buildings and Uses, shall be amended to include the following:

### **37.60 MARIHUANA CAREGIVER OPERATIONS**

A. Caregiver Operations by a Primary Caregiver shall be governed by the following standards:

1. A Caregiver Operation shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMMA").
2. A Caregiver Operations shall be an accessory use of the premises.
3. There shall be no more than one Primary Caregiver Operation per premises.
4. All medical marihuana must be contained within a separate enclosed, locked facility for medical marihuana patients for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The enclosed, locked facility shall have secure windows and doors where applicable and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.
5. Distribution, growth or cultivation of medical marihuana, and all other related activity, must occur indoors.
6. The Qualifying Patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.
7. Caregiver Operations shall obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana occurs.
8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC") Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off

the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.

9. Caregiver Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system or other reasonably available odor control technology so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of the parcel.
10. A Caregiver Operation shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectable to a reasonable person of normal sensitivities beyond the parcel on which the use occurs.
11. There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.

## **SECTION 7: CONFLICT AND INTERPRETATION.**

The standards and provisions of this Zoning Amendment shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Zoning Amendment imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Zoning Amendment shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Zoning Amendment by the Zoning Administrator or designee, the Whitewater Township Zoning Board of Appeals pursuant to Article 18 of the Zoning Ordinance shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the Zoning Administrator or designee. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any interpretation of this Zoning Amendment by the Zoning Administrator or designee.

## **SECTION 8: SAVINGS CLAUSE.**

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Zoning Amendment takes effect are saved and may be consummated according to the law in force when they were commenced.

**SECTION 9: SEVERABILITY.** The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

**SECTION 10: EFFECTIVE DATE.** This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

**SECTION 11: REPEAL.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT/ABSTAIN: \_\_\_\_\_



ORDINANCE DECLARED ADOPTED.

---

Ron Popp, Whitewater Township Supervisor

**CERTIFICATION**

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on \_\_\_\_\_, 2022, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the \_\_\_\_\_ newspaper, a newspaper that circulates within Whitewater Township, on \_\_\_\_\_, 2022.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on \_\_\_\_\_, 2022.

ATTESTED:

\_\_\_\_\_  
Cheryl Goss, Whitewater Township Clerk

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**PC note to township attorneys regarding ZO regulations  
pertaining to all forms of condominium development.  
September 25, 2022**

The Whitewater Township Planning Commission would like to request a review of the following text and recommendation regarding potential amendments and additions. We have received extensive input from the public that some portions of this article are confusing or can be interpreted in several different ways. We would like input and advice regarding the best manner to provide clarity and reduce any ambiguity within the text. Please provide your recommendations but do not prepare for public hearing until the PC has reviewed the proposals.

**Goal: Article 3: Place all related condominium related definitions under one heading, alphabetized. Add additional definitions as needed. Avoid the use of the word, "SUBDIVISION" in definitions to reduce confusion between the two forms of development.**

**ARTICLE III  
DEFINITIONS**

**CONDOMINIUM DEFINITIONS**

**CONDOMINIUM CONVERSION:** Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership.

**CONDOMINIUM ~~SUBDIVISION-DEVELOPMENT~~ PLAN:** The drawings attached to the master deed for a site condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the site condominium subdivision, as well as the nature, location and size of common elements.

**CONDOMINIUM LOT:** [See CONDOMINIUM UNIT.](#)

**CONDOMINIUM PROJECT:** A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978).



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**CONDOMINIUM UNIT:** That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a "condominium unit" also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

**SITE CONDOMINIUM ~~SUBDIVISION~~ DEVELOPMENT:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended, but is subject to the requirements of the Condominium Act, Public Act 59 of 1978, as amended. SITE

Add a new definition for:

**MOBILE HOME CONDOMINIUM DEVELOPMENT**

**CONDOMINIUM**

**SITE CONDOMINIUM**

**CONDOMINIUM COMPLEX**

**CONDOMINIUM DOCUMENTS**

**OTHER CONDOMINIUMS – Something to the effect of....Other forms of condominium development may include storage, farm, time-share, campground, resort, etc. These will be reviewed under Article 28, Condominium Regulations. Or should these each be defined?**

#### **PLANNED UNIT DEVELOPMENT DEFINITIONS (Group together)**

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

**PLANNED UNIT DEVELOPMENT (PUD):** A piece of property developed as a separate neighborhood or community unit. This form of development is based on an approved site plan and allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, open spaces, and other various land uses.

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**Goal: Clarify which ZO Articles govern each type of development. Adapt text to be better understood by township residents in general.**

**ARTICLE XXVIII  
CONDOMINIUM DEVELOPMENT REGULATIONS  
(Effective March 28, 2021)**

**28.10 INTENT**

The intent of this Article is to provide procedures and standards for the review and approval, or denial of condominium developments implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended) and to insure that such developments are consistent and compatible with conventional platted subdivisions as provided for through the Land Division Act (P.A 288 of 1967, as amended), and promote the orderly development of adjacent areas. These regulations are enacted by authority of the Condominium Act, the Michigan Zoning Enabling Act, and this Ordinance, as amended, whereby all developments utilizing any form of condominium development shall be approved or disapproved by the Township.

**Add a paragraph here indicating that all forms of condominium ownership, unless noted otherwise, shall be reviewed under the following process and standards.**

**28.11 APPLICABILITY**

**A. General Provisions**

Prior to recording of the master deed, required by Section 72 of the Condominium Act, ~~the~~a condominium development shall undergo a site plan review and approval by the Township in accordance with the provisions of this section. Approval under this section shall be required as a condition to the right to construct, expand or amend a condominium development in the Township.

~~C-B.~~ **Plat Approval** **Moved from below.**

There shall be no requirement for plat approval for a condominium development under the Township Subdivision Control Ordinance, General Ordinance 16.

~~D C.~~ **Planned Unit Developments**

The procedural provisions of this section shall not apply to ~~condominium developments~~Planned Unit Developments, which are reviewed and approved through the Special Use Permit – Planned Unit Development procedures in, Article 31 of this Ordinance.

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**Should this be a new section outlining the various types of condominiums and how each are handled?**

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**B. D. Condominium Conversions** – All individuals proposing a Condominium Conversion shall present the township with two copies of all required documents as indicated in the Condominium Act (Act 59 of 1978, as amended). Said review shall be conducted by the township Zoning Administrator and township attorney for compliance with the Condominium Act (Act 59 of 1978, as amended). Applicant shall be provided with a written response of approval or specific reason for failure to approve within 60 days of submission.

**28.14 E. Mobile Home Condominium Developments (moved)**

Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such developments shall be located only in a zoning district that provides for mobile homes. The review and approval shall be processed in accordance with Section 28.15 Review Procedures.

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**F. G. H. Add an additional line item for Condominium Complex, Site-Condominium, and Other Condominiums that indicated the basic review for each type, similar to the description for condominium conversion and mobile home condominium.**

## **28.12 CONSULTATION**

In determining whether to approve a condominium development plan, the Township may, as the Zoning Administrator and Planning Commission deem necessary, charge for consultation with the Township Attorney and other experts, regarding the adequacy of the master deed, deed restrictions, utility systems, and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance. All reasonable costs related to said consultation, as established by the Township, shall be placed in escrow with the Township by the applicant prior to review in addition to the standard nonrefundable application fee.

At any point during the review process, the Township may require that the applicant place additional funds with the Township to cover consultations deemed necessary to complete the review process. If consultation funds are not provided promptly, all reviews shall cease until funds are made available to continue. Any unused consultation funds remaining after the Township completes its review shall be returned to the applicant with a ~~line item~~ line-item record of distributions.

## **28.13 GENERAL REQUIREMENTS**

### **A. Compliance with Federal, State and Local Laws**

All condominium developments shall comply with all applicable Federal, State and local laws and ordinances. No condominium documents shall conflict with the standards of this Ordinance.

### **B. Fee Required**

Before the Township reviews a condominium development plan, the applicant shall submit to the Township a nonrefundable application fee or preliminary review fee as established by resolution of the Board to cover the Township's cost of internal review. Such application fee shall be independent of any required consultation costs as described in Section 28.12.



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**C. Information Required**

All condominium development plans shall include the information required by Section 66 of the Condominium Act and the material required in Section 25.11 (F). A person, firm, or corporation intending to develop a condominium development shall provide the following information:

1. Size and Scale - Plans may be on paper and shall not be less than 24 inches by 36 inches, at a scale of at least 1 inch to 200 feet showing the date and north arrow.
2. The name of the proposed condominium development.
3. The name, address, telephone number of:
  - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium development will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee)
  - b. All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the condominium development.
  - c. The individual or entity applying for the condominium development.
4. The legal description of the land on which the condominium development will be developed together with any expansion plans and appropriate tax identification numbers.
5. The acreage of the land on which the condominium development will be ~~developed~~ located.
6. The land use and existing zoning of the proposed condominium development.
7. The following information for subject parcel and all parcels within 300 feet of the proposed site: a. Name and address of the owners b. The zoning classifications c. Existing structures or significant land marks
8. Location, type, dimensions and proposed use of all existing structures.
9. A location map showing the relationship of the ~~proposed condominium development~~ plan to the surrounding area.
10. Statement of intended use(s). Such as, residential single-family, residential multi-family, commercial, industrial, etc. and the number of acres of each type of land use proposed.
11. Condominium unit lot lines and the total number ~~of condominium units~~ to be developed on the subject parcel.

**Should we add a line denoting that units in a shared building such as a complex, duplex, or some condo conversions should indicate exact dimensions and location of each unit as opposed to lot dimensions.**

12. Description of water system to be implemented.
13. Description of sanitary waste disposal system to be ~~provided~~ implemented.
14. Public roads, private roads, and ~~R~~right-of-way easements, showing location, width, and purpose.
15. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
16. Location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, wetlands, and soil types.

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### Do we need to define, “significant existing vegetation”?

17. Any additional information required during site plan review

#### D. Utility Easements

The condominium development plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits, and other installations of a similar character providing public utilities.

#### E. Performance Guarantees

As a condition of approval of the condominium development plan by the Township, a performance guarantee may be required to ensure construction of required improvements and the completion of filing requirements before land use permits are issued. Upon fulfillment of all requirements and filings, the applicant shall apply to the Township for release of performance guarantees. Performance guarantees shall comply with the requirements in Section 25.16 of this Ordinance.

~~28.14 MOBILE HOME CONDOMINIUM DEVELOPMENTS. Moved to 28.11.E renumber as appropriate. Mobile home condominium developments shall conform to the requirements of this Ordinance, in accordance with the Condominium Act and other applicable Local, State laws, ordinances and regulations. Such developments shall be located only in a zoning district that provides for mobile homes. The review and approval shall be processed in accordance with Section 28.15 Review Procedures.~~

#### 28.15 STANDARDS AND DESIGN FOR ( SITE? ) CONDOMINIUM DEVELOPMENTS

**These standards appear to only deal with platted or site-condo style developments. Do we need an additional section to address a complex or development with multiple units within the same structure? Do we need sections to address other forms of condos in general? Or should this be a bit less specific and cover all forms.**

**Should all references to Condominium be changed to Site-Condominium in this section?**

##### A. Site-Condominium Lots

The Condominium Development Plan shall indicate specific parcel dimensions allocated to each condominium dwelling unit. For the purpose of this section and to assure compliance with the provisions herein, these parcels shall be referred to as “condominium lots”.

##### B. Site-Condominium Development Layout and Design

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The description, size, location and arrangement of the site condominium lots shall conform to the requirements of this Ordinance. The design of a condominium development shall be subject to the following requirements and guidelines.

1. Should there be unusual topographic or other natural feature constraints, these standards may be modified to achieve greater or lesser conformance in accordance with the judgement of the township Planning Commission. (Move this sentence to requirements and renumber)

1. ~~1.~~ Each condominium lot ~~in a site shall be considered a single lot and~~ shall comply with the zoning district in which it is located.

2. The area and setback requirements of ~~a~~ dwelling units ~~or and~~ structures are subject to the zoning district in which it is located.

2. Each condominium dwelling unit shall be located within a condominium lot. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot.

3. The condominium lots size and required setbacks shall be measured from the designated front, rear and side condominium lot lines.

4. There shall be a proper relationship between existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the Township or the County Road Commission.

5. Existing natural features which add value to a residential development and enhance the attractiveness of the community shall be retained, insofar as possible, in the design of the subdivision condominium development.

6. Lands subject to flooding or otherwise deemed by the Township to be uninhabitable shall not be used for uses that may increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium development may be set aside for other uses, such as parks or other open space.

7. Easements shall provide for utilities when necessary.

8. All condominium development units and accessory structures shall be accessible to emergency vehicles.

9. Common open space provided shall remain open for recreational and conservational purposes, and recorded as part of the master deed.

10. Condominium development units having water frontage shall meet the requirements of Article 14 Easement to Waterfront.

11. A plan for erosion control and storm water discharge must be approved by the appropriate public agency.

12. All condominium developments shall obtain approval from all applicable governing agencies.

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## 28.16 REVIEW PROCEDURES

### A. Preliminary Review

Any applicant can request a preliminary review of a proposed condominium development with the Zoning Administrator and one to three Planning Commissioners. This review allows an open



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dialogue and an opportunity to discuss a proposed goals, features, location and scope of operations prior to a formal application. Preliminary Review is available as a sounding board only, no decisions or approvals shall be rendered, either stated or implied.

#### B. Agency Submittal

The applicant shall provide four (4) hard copies and a digital print copies of the proposed condominium development plan to Whitewater Township and the following Grand Traverse County Agencies: Health Department (or Department of Public Works if proposed on municipal water and/or sanitary sewer), Drain Commission, Soil Erosion, and Road Commission (or Michigan Department of Transportation if proposed on a state highway), as well as the Michigan Department of Environment, Great Lakes, and Energy (when sensitive areas and wetlands are a concern), and the Whitewater Township Fire Department or the respective successor for any of the above agencies. Four (4) hard copies and a digital print shall also be provided to the Whitewater Township. The Zoning Administrator shall distribute the proposed condominium development plans to the Planning Commission and Board of Trustees for review.

#### C. Site Plan Review and Public Hearing

The Planning Commission shall hold a public hearing on the proposed site condominium development plan, for the purpose of receiving input from the public regarding the proposed development. reviewing and making a recommendation of approval, approval with conditions, or denial to the Township Board.

#### D. Planning Commission Determination

After preceding with a Public Hearing held in accordance with the Article 25, Site Plan Review process, if the Planning Commission shall make a determination and recommendation to the Township Board regarding whether the determines that the proposed plan meets all the requirements of this Ordinance and the Condominium Act. If the proposal is found in compliance, the Planning Commission shall recommend approval or approval with conditions of the site condominium development plan and shall send written notice of action taken with comments to the Township Board and applicant.

If the Planning Commission determines that the condominium development plan does not meet all requirements, the Planning Commission shall state its reason in its official minutes and shall provide written notice of said decision to the Township Board and applicant. The Planning Commission shall recommend to the Board, disapproval of the plan until the objections causing disapproval have been changed to meet the requirements of this Ordinance, and the Condominium Act, and the project has been resubmitted to the Planning Commission for a second review.

#### E. Township Board Procedure

The Township Board shall not review, approve or reject a condominium development until it has received from the Planning Commission its report and recommendations.

The Township Board shall consider the condominium development plan at its next meeting after receipt of the report and recommendations from the Planning Commission provided all

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documents are received 15 days prior to meeting date. The Board shall render a written decision within 15 days of their meeting unless the applicant and Board agree to a later deadline.

#### **F. Township Board Determination**

The Township Board shall approve the condominium development plan, with or without conditions, reject the plan and give its reasons, table the proceedings pending further review or pending changes to the plan to make it acceptable to the Board, or refer that application back to the Planning Commission for further review and report.

### **28.17 CONDITIONS AND DURATION OF APPROVAL**

#### **A. Conditions**

The approval of the Board of Trustees will indicate that the proposed condominium development plan meets the ordinances and regulations of Whitewater Township, but does not cover additional permits that may be required after the Master Deed has been recorded. The Township may impose reasonable conditions on the approval of any condominium development plan consistent with the Condominium Act, this Ordinance, and the protection of public health, safety and welfare.

#### **B. Duration**

Approval of the condominium development plan by the Township shall be for a period of two (2) years from the date of approval. If no Master Deed is recorded with the Grand Traverse County Register of Deeds Office within two years of approval, such approval shall be considered null and void. The Zoning Administrator may extend the two-year period by one additional year if applied for by the applicant subject to satisfying the requirements of Section 25.15 Failure to Initiate Construction.

#### **C. Condominium Development Plan Approval Contract**

If the Township Board approves the site condominium development plan, it shall prepare a written order setting forth the conditions upon which the approval is based. Such order shall be entered into between the Township and the applicant prior to the issuance of a Land Use Permit for any construction in accordance with the approved site condominium development plan. All reasonable costs related to the preparation of said order, as established by the Township, shall be paid by the applicant to the Township Treasurer prior to Township signature and issuance of such order.

### **28.18 FINAL FILINGS REQUIREMENTS**

Prior to the recording of the Master Deed the Township Treasurer shall certify that all taxes and special assessments are not delinquent. A copy of the Master Deed, Bylaws/ Restrictive Covenants must be recorded with the County Register of Deeds. The Township shall be provided with two (2) copies of each document, including as-built prints, and all pertinent attachments which shall remain on file with the Township.

### **28.19 CONDOMINIUM DEVELOPMENT AMENDMENTS**

Condominium Development Plans may be amended as follows:

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**A. Minor Amendments**

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

**B. Major Amendments.**

Any amendment not qualifying as a minor amendment as determined by the Zoning Administrator shall be considered a major amendment and must be approved by the Planning Commission according to the procedures authorized by this Article for approval of a condominium development.

## Proposed ZO amendment to Article 25.22.D

9.7.22 Draft #1 – original text - prepared by Mangus

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### 25.22.D. Commercial Campgrounds

**D. Commercial Campgrounds:** The following standards are designed to provide additional requirements and guidance for the development of commercial campgrounds **include youth camps, religious retreats and hunting camps, recreational vehicle parks or travel trailer parks within.**

**1. Location Requirements:** Commercial Campgrounds are permitted by Special Use Recreational District (RC) and the Agricultural District (R).

**2. Site Requirements:**

- a. Commercial campgrounds shall only be allowed on parcels of 40 acres or greater.
- b. The campground shall have access to an all-season road, either public or private. **Traffic impact studies may be required depending available road classification, and the size and location of the proposed campground.**
- c. Internal road systems shall be a minimum of 20' travel width.
- d. All structures, campsites, or campground amenities shall be located two hundred (200) feet back from adjoining property line **and one hundred (100) feet back from road frontage.**

**3. Buffering Requirements:**

- a. All campgrounds shall be designed to blend in with the surrounding environments to the greatest possible extent. **Visual** buffers or screening shall be required **when a natural barrier is not present.**
- b. **The first one hundred (100) feet of the front, side and rear yard of the campground shall be maintained as a greenbelt around property. This area may house utilities, walking paths, and management residence, but shall not contain parking, campsites, structures, or other campground amenities.**
- c. **Appropriate screening shall be provided to limit noise reaching adjacent land uses. This screen may include the use of fencing, berms, landscape, or other natural geographical features.**
- d. **Outdoor storage, dumpsters, bulk trash receptacles, and maintenance equipment shall be screened from all neighboring properties and public view.**

**3. Site Density:** The following chart shall be used to calculate overall site density for the design of all commercial campgrounds. Calculations shall be based on total acreage minus any lakes or wetlands.

	Density per acre in the AG District	Density per acre in the RC District	Maximum Units per Facility	Maximum Units per type

# Proposed ZO amendment to Article 25.22.D

9.7.22 Draft #1 – original text - prepared by Mangus

Color code: Black-original text Blue-notes Red-changes or new text

Cabins	1? per acre	1 per 5 acres	100 units	10 cabins
RV campsites	2? per acre	1 per 2 acres		80 RV sites
Tent Sites	3? per acre	1 per 2 acres		100 tent sites

- a. Youth camps, religious retreats, and hunting camps or similar facilities may exceed the 10-cabin maximum limit provided no tent or RV sites are included in facility.

## 4. General Standards:

- All requirements of Public Act 368 of 1978 regulating Campgrounds shall be met.
- The campground shall provide evidence of full compliance with the State Public Health Code, P.A. 368 of 1978, as amended and any other applicable federal, state, county and local permits, codes and regulations.
- Permanent cabins, accessory/service buildings such as storage facilities, laundry, restrooms, kitchens, pavilions, etc. shall be allowed but shall require a building permit, and approval from Grand Traverse County Construction Code, regardless of size.
- Recreational elements such as pools, pavilions, basketball or tennis courts shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
- Onsite storage of campers when not in use shall be permitted but shall not exceed the total number of improved RV campsites.
- A common use area shall be provided in the parcel of five hundred (500) square feet per campsite.

**5. Duration of Residency:** Permanent residency is prohibited on the property with the exception of one residential home/office to be used and occupied by the campground owner or designated employee. Campsites or structures may be rented by the day, week, not to exceed 30 days at one site.

**6. Parking and Access:** Facility shall provide adequate parking and passenger loading areas per the requirements of Article 34, Off-Street Parking and Loading. Adequate stacking area shall be provided for vehicles waiting to enter or exit the facility.

**7. Campfires:** All campfires shall be confined to designated fire rings and fires shall be monitored at all times to maintain a safe environment.

**8. Lighting:** Exterior lighting shall be installed in such a manner that it does not impede the vision of traffic along adjacent streets. In addition, facilities using night lighting



## Proposed ZO amendment to Article 25.22.D

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adjoining a residentially zoned property shall deflect lighting away from these areas. Use of low impact walkway lighting is encouraged.

### 9. Trash and sanitation:

- a. Each cabin, pad, or primitive campsite shall be provided water and sanitary service approved by the Grand Traverse County Health Department or have convenient access to approved sanitary service building(s).
- b. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
- c. Adequate trash receptacles shall be provided, as needed throughout the site. Sites shall be periodically cleared of debris so that litter does not accumulate or drift onto adjacent properties.

### 10. Accessory Commercial Activities:

- a. One camp store shall be permitted provided that it is designed to provide for camping provisions such as ice, pop, snacks, firewood, or other items related or incidental to camping.
- b. In no case shall a recreational accessory use predate the installation and operation of the principal use.
- c. When the principal use ceases operation, the accessory use shall immediately cease.
- d. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.

**11. A Management Plan:** As part of the application process the applicant shall present a detailed management plan for the campground. This plan shall include plans for implementation of the following:

- a. All campgrounds shall provide for contact with management to facility residents, visitors, township, or law enforcement officials. Onsite supervision is preferred but staff shall be available within a 10-minute response time at all times, 24-hour a day, whenever campground is in operation.
- b. The total number of campsite, cabins, and accessory buildings proposed as well as any green belt, walking trails, or recreational components.
- c. The campground policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities. This plan shall include methods for policy implementation, a plan for education of policies, and plan for enforcement when voluntary compliance is not provided.
- d. The posted office hours and quiet hours for the campground and the seasons the campground will operate. Operating hours shall be approved by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.

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- e. A campground policy for the use of ATV, golf carts, snowmobiles or other recreational vehicles which might accompany campers.
- f. Disclosure of all recreational elements and whether these elements will be available to the general public in some form or reserved exclusively for resident and guests.
- g. Procedures for trash pick-up and disposal.
- h. Standards for fire safety, fire safety equipment, and resident evacuation routes.
- i. Gravel and dirt roads shall have a road maintenance plan in place to address dust control and condition.
- j. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties. Appropriate fencing, design, and signage shall be provided to address any issues that arise.

### Definitions Article 3

**CABIN:** A simple housing structure providing temporary accommodation for recreational purposes.

**CAMPGROUND, COMMERCIAL:** A campground owned and operated expressly for the purpose of renting space in the campground on a transient basis for profit to the general public. A campground owned and operated by a non-profit organization for the exclusive temporary use and enjoyment of its members shall also be considered a commercial campground.

**CAMPGROUND, PRIVATE FAMILY:** Parcels of land owned and operated exclusively for the temporary use and enjoyment of those sharing in the ownership of the parcel, their invited guests and not for remuneration.

**RECREATIONAL UNIT:** A vehicular structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational units shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted dwellings.

**Tent Campsite:** An area designated for the exclusive, temporary use of recreational campers using a tent as housing. Sites may provide site electricity, and water but shall provide parking and access to sanitary services.

**Improved Campsite:** An area designated for the exclusive, temporary use of recreational campers using camping in a trailer, camper, RV, or similar moveable structure. These sites provide for parking, electricity and water and may provide sanitary hookups or convenient access to same.

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Current Text for Commercial Campgrounds as of 9-27-22

**ZO Article 25.22****D. Commercial Campgrounds.**

1. Commercial campgrounds shall only be allowed on parcels of 40 acres or greater.
2. All requirements of Public Act 368 of 1978 regulating Campgrounds shall be met.
3. Permanent cabins.
4. Each dwelling or pad shall be provided water and sanitary service approved by the Grand Traverse County Health Department or have convenient access to approved service building(s).
5. The campground shall have access to an all season road, either public or private.
6. All campgrounds shall be designed to blend in with the surrounding environments to the greatest possible extent. Buffers or screening may be required.
7. Internal road systems shall be a minimum of 20' travel width.
8. Permanent residency is prohibited on the property with the exception of one residential home/office to be used and occupied by the campground owner or manager and his/her immediate family.
9. Campsites or structures may be rented by the day, week, or an indefinite period of time.
10. No structures or campsites shall be located within 100 feet of a property line.
11. Accessory/service buildings such as storage facilities, restrooms, kitchens, pavilions, etc. shall be allowed.