

WHITEWATER TOWNSHIP PLANNING COMMISSION AGENDA FOR REGULAR MEETING,
Wednesday, July 6th, 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.

Join Zoom Meeting: Topic: Planning Commission
Topic: Planning Commission
Time: Jul 6, 2022 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/83044350034?pwd=aU5NZ3pGa0xGZWxhdGpoNTNmMVdlQT09>

Meeting ID: 830 4435 0034

Passcode: 173927

One tap mobile

+16465588656,,83044350034#,,,,*173927# US (New York)

+13017158592,,83044350034#,,,,*173927# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 720 707 2699 US (Denver)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 830 4435 0034

Passcode: 173927

Find your local number: <https://us06web.zoom.us/j/kesOBbztg>

Kim Mangus, Chairperson – manguspc@yahoo.com

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

Carlyle Wroubel – pc5@whitewatertownship.org

Alex Darrow – pc2@whitewatertownship.org

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

Mickey Dean, – pc1@whitewatertownship.org – resigned awaiting replacement

Vacancy – Township Board Representative - vacant

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:

ZO Amendment 83 – Article 1 Preamble, 12 Building Sizes and Yard Requirements, and 14 Waterfront Property

ZO Amendment 84 – Article 25, Site Plan Review and Special Land Uses

ZO Amendment 85 (or 79) – Medical Marijuana Amendments, Articles 3 Definitions, 6 Residential R1, 9 Industrial N, 10 Agricultural A-1, 25.22.E Plan Review and Special Land Uses, and 37 Supplementary Provisions.

7. Approval of minutes: June 1, 2022

8. Correspondence: Eastbay Township, Slopsema, Beam, Mielnik

9. Reports/Presentations/Announcements/Comments

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

10. Unfinished Business:

- a. Article 1 Preamble, 12 Building Sizes and Yard Requirements, and 14 Waterfront Property Amendment Discussion
- b. Article 25, Site Plan Review and Special Land Uses Amendment Discussion
- c. Article 25, Medical Marijuana Amendments Discussion and graphic.
- d. Marihuana proposed Zoning Ordinance amendment – Adult-Use
- e. Master Plan Review: Status

11. New Business: None

- a. Amendment Process worksheet
- b. Special Meeting – availability, closed session with township attorneys
- c. ZO Word Copy project

12. Next Meeting: Special joint meeting, (date and time undetermined) and

Regular Meeting August 3, 2022 – Time?

13. Public Comment

14. Commission Discussion/Comments

15. Continuing Education: Amendment Process

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
June 1, 2022

Call to Order at 6:04 p.m.

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

Absent:

Unfilled seat: One commission member and the Township Board Representative

Also in attendance: Zoning Administrator Hall, Recording Secretary MacLean and 13 participants via Zoom

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Public Comment:

In person:

Vicky Beam: development pressures; rural character; developer choice; campgrounds; Baggs Road.

Randy Mielnik, 9304 Wheeler Oaks: campground; setbacks; equine clinic approval.

Comment: Baggs Road proposed project; land divisions; rural character; listen

Comment: Marihuana ordinance; Special Use Permits; GAAMPs (Generally Accepted Agricultural Management Practices); right to farm.

Vern Gutknecht: PC is fighting fires; strategic plan; rural nature; development; Acme management plan; listen.

Zoom:

Connie Hymore, Baggs Rd.: Baggs Road proposed project; moratorium requested; Grobbel letter.

Public Hearing: None

Approval of Minutes:

MOTION by Jacobson, second by Keaton to approve May 4, 2022, special meeting minutes.

Roll call: Jacobson-yes; Keaton-yes; Mangus-yes; Wroubel-yes; Darrow-yes. All in favor. Motion carried.

MOTION by Wroubel, second by Keaton to approve May 4, 2022, regular meeting minutes.

Roll call: Keaton-yes; Mangus-yes; Wroubel-yes; Darrow-yes; Jacobson-yes. All in favor. Motion carried.

Correspondence: (Included in packet) Mangus read a note from Kim Elliott.

Reports:

Zoning Administrator Report, Hall: Personal policy – respect.

Training, relevant right now: zoning districts use by right and special uses, example manufacturing needed special utilities appropriate for the specific site.

Master Plan with the zoning ordinance: The MP is looking into the future, a goal, and the zoning ordinance is the here and now.

The ZA observes and make recommendations – what’s really important on your agenda: Marihuana provisions because the Board has opted in through the General Ordinances for Marihuana and Article 25 and the Master Plan.

Chair’s Report, Mangus: Requested materials are available tonight. Hard copies of the zoning ordinance to come.

Public Hearings: Keaton, PC Secretary, to follow-up and verify that public hearing notices get noticed.

Township Board Rep., None assigned.

ZBA Representative, Wroubel: No cases in May. Communication needed when there is not a ZBA meeting. Request that someone put cancelled on the calendar.

Committee Reports: None.

Additional Items: None.

Unfinished Business:

1. Article 25, Site Plan Review Amendment #82 discussion and notations: font changes; few verbiage changes; application fees, escrow, expert/consultants (question for attorney regarding consultants); consensus on the initial application – impact statement; 300’ vs 1 mile notification to other townships or entities (consensus to ask the

attorney why is the 1 mile designation included); receive input from the general public; “the township shall draft a written special use permit report and be signed by PC Chair or Secretary and applicant.” (Bob or attorney input); applicant shall provide the ZA with documentation of registration with the County Register of Deeds (attorney / Bob); Special Use Permit (SUP) and security deposit, if any, runs with the land; SUP expiration time frame. Schedule another public hearing with the adjustments and questions.

MOTION by Jacobson, second by Keaton to set a public hearing on Article 25, Amendment #82, for the July meeting.

Roll call: Jacobson-yes; Keaton-yes; Mangus-yes; Wroubel-yes, Darrow-yes. All in favor. Motion carried

2. Article 25, Special Use Permit Amendment #82. Included above.

3. Article 1, Preamble- review attorney’s notes: Remove “purpose” as it is covered in Article 2.

MOTION by Jacobson, second by Keaton to set a public hearing on Article 1 for the July meeting.

Roll call: Mangus-yes; Wroubel-yes, Darrow-yes; Jacobson-yes; Keaton-yes. All in favor. Motion carried.

4. Article 12, Setback – review attorney’s notes: housing; high water mark, including in Article 14; campground – ask the attorney to make recommendations on campground guidelines – leave what we have already.

MOTION by Jacobson, second by Darrow to set a public hearing for Article 12 for the July meeting.

Roll call: Wroubel-yes, Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes. All in favor. Motion carried.

5. Medical Marihuana proposed Zoning Ordinance amendments discussion: consensus on the following: waste disposal, number of days security recordings are kept, loading/unloading hours, setbacks, nuisances verbiage, to limit the number of locations in Ag, shall include landscape buffers, facility building to neighboring property line setbacks (include a graphic), include the minimum 5 acre lot size, drop the variance condition on existing buildings, “may require a traffic study”.

MOTION by Darrow, second by Keaton to forward document as amended to attorney and set for a public hearing for the July meeting.

Roll call: Darrow-yes; Jacobson-yes; Keaton-yes; Mangus-yes; Wroubel-yes. All in favor. Motion carried.

6. Article 5, Zoning Districts – Rules of Interpretation - postponed

7. Master Plan review – Looking to get professional input.

New Business: None

Next Regular Meeting is scheduled for July 6, 2022, 7 p.m.

Next meeting agenda: Master Plan review and public hearings on Articles 1, 12, 25 and Medical Marihuana zoning ordinance.

Public Comment:

Comment: Public input on MP; building blight

Randy Mielnik: medical marihuana building distance; traffic impact; suggest a subcommittee to work on the zoning ordinance.

Sue Mielnik, 9304 Wheeler Oaks: definition of rural character; definitions are important; work on the zoning ordinance and the Master Plan at the same time; equine clinic; planner; live stream meeting.

Vicky Beam: work together; conflict of interest; ZBA meeting communication; marihuana and site condos – start small and grow big.

Tom McElwe, Lakeside Trail: PC is working with the best of intentions; marihuana; master plan drives zoning ordinance; moratorium requested: Mangus notes that the PC had requested the moratorium until Article 25 is complete.

Vern Gutknecht: impressed with the PC transparency; holes in the zoning ordinance; definitions for clarity.

Karin Boyd: looking for education on what, how and why the PC makes specific decisions; Baggs Road proposed project; boards and the community need to come together; rural character; willing to help and serve.

Comment: marihuana lot sizes; utility notification

Zoom:

Connie Hymore: a lot got accomplished tonight; marihuana and site condo should start small; PUD and Site Condo.

Commission Discussion/Comments: Site condominium act is a state law.

Wroubel appreciates the comments and input on the campground. The living quarters/apartments in the equine clinic are legal per the zoning.

Jacobson thanks Mr. Mielnik for input.

Continuing Education: Township Law from the township attorneys regarding Adult Use Marihuana Establishments.

Adjournment: 9:36 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

RE: Whitewater Township Zoning Amendments (Public Summary re Zoning Edits)

From: Christopher Patterson (cpatterson@fsbrlaw.com)

To: manguspc@yahoo.com; zoning@whitwatertownship.org

Cc: supervisorwhitewater@gmail.com; clerk@whitwatertownship.org; jfox@fsbrlaw.com; kmarshall@fsbrlaw.com

Date: Thursday, June 16, 2022, 10:11 PM EDT

Dear PC Chair Mangus and Mr. Hall:

We have finalized review of the proposed amendments and are providing the following public summary of the changes identified in each amendment.

-

Zoning Ordinance Amendment to Articles 1, 12 & 14

We received multiple revised versions of this Zoning Ordinance Amendment for review. Accordingly, our final recommendations are based on the June 4, 2022, version we received from PC Chair Magnus.

- **Formatting change.** Ensure Article 12.13 Agricultural and Recreation was in all caps.
- **Remove Section 12.17 Schedule of Regulations.** These conditions are addressed in Section 12.11 Generally Applicable Conditions and this section appears that it could be removed.
- **Restate Section 14.11 in its entirety.** Here, we see the Township was trying to make select alterations to the provisions. Since 14(A) has subparts 1-7 and 14(B) has subparts 1-5, the entire section should be restated to avoid confusion over what was amended.

Zoning Ordinance Amendment Article 25 Site Plan & Special Use Permit

-

- **Use lower case site plan & special use permit throughout to ensure consistency with the entire zoning ordinance—not just the amendment.**
- **Zoning Administrator consultation with Township Board.** The Planning Commission wants the Zoning Administrator to consult with the Township Board before selecting a consultant to create a study. As previously written the Zoning Administrator had the power to select necessary experts for service(s). We interpret the existing language to include hiring consultants to prepare studies, but modified this language to directly address consultants and studies. Now the Zoning Administrator must consult the Township Board before selecting experts and consultants if that is the desire.
- **Do not remove special use permit application requirements.** As written, an applicant is required to submit “a written statement regarding the project’s effects on existing infrastructure, including but not limited to traffic, capacity of roads, schools, existing utilities, the natural environment, and water aquifer.” The Planning Commission wants to eliminate this requirement. We do not suggest removing this requirement, as the written statement can be helpful in other zoning functions.
- **Remove notice requirements to adjoining township(s), Grand Traverse County, and the Grand Traverse Band of Ottawa and Chippewa Indians.** Unless the Township has entered into an

agreement that creates an obligation to provide notice to these parties, these parties are not automatically entitled to notice under the Michigan Zoning Enabling Act (MCL 125.3103). Of course, these parties may be entitled to notice if they own property 300 feet from the proposed special use. Even so, if the Commission desires to provide more notice than required by law, it may do so. Thus, if the Commission desires to provide such notice to those governmental units identified, it may do so.

Zoning Ordinance Amendment Article 25 Marihuana Businesses

- **Definition revisions.** Recently, the Cannabis Regulatory Agency (“CRA”) revised its definitions for certain license types. We amended the definitions to account for these changes. Next, we suggest changing certain definitions to make them applicable to both medical and recreational marihuana where both the MRTMA and MMFLA provide for these types of businesses. Making these changes will help facilitate the Township when the Commission finalizes its modifications to the zoning ordinance for recreational marihuana. If the Commission desires to later add a second set of definitions or make these changes when recreational marihuana is included, then the Commission can wait and apply those edits to a subsequent amendment.
- **Remove references to Marijuana Regulatory Agency and consistently use the term “marihuana.”** Michigan’s Marijuana Regulatory Agency has been renamed the Cannabis Regulatory Agency. Accordingly, we revised the ordinance to reflect this name change. Furthermore, we eliminated certain references to “marijuana” in the zoning ordinance, as all of the township’s ordinances use the term “marihuana.” This change is essential to ensure consistency throughout.
- **Section E. Standards Governing Location and Operation of Marihuana Businesses.** In the introductory paragraph, you specifically referenced any “SUP application in the Industrial (N) or Agricultural (Ag) district.” Reference to the specific district is not needed here, because the Township already limits where a SUP applicant for a marihuana business can apply through zoning ordinance article 9, section 9.11 and article 10, section 10.11.
- **E(1)(a)(2) Eliminate reference to marihuana businesses being allowed in the commercial district.** Under the zoning ordinance amendment, marihuana businesses are being proposed in the agricultural and industrial districts. Does the Commission intend to allow marihuana businesses in the commercial district? Otherwise, this reference is removed.
- **E(1)(b) Generalize reference to state regulations.** As written, the Township wants to require all marihuana businesses to comply with the EGLE Solid Waste and Hazardous Waste Regulations for Growing and Processing Marijuana rev Dec 2019. While specific references to regulations can be beneficial in other contexts, we do not advise doing so in a zoning ordinance which will likely outlast the regulation you are referencing. Instead, we encourage the Township to use more generalized language so if the regulations change the new regulations on waste disposal will apply to marihuana businesses. Certainly the Commission is free to retain its language.
- **Remove references to “permitted premises” and use the term “Marihuana Business’s building.”** The phrase “permitted premises” is a defined term used in both the Township’s MMFLA & MRTMA police power ordinances. Since it is an undefined term in the zoning ordinance, we encourage the Township to specify they are simply referring to the marihuana business’s building for clarity.
- **E(1)(c)(3) Revise Language on Locking Vaults.** We made only minor modifications to this section, but the language is not exactly as provided in the Township’s locking vault requirement as set forth in its MMFLA &

MRTMA police power ordinances. The Commission may want to revisit the standard and determine if the standards can be the same.

- **E(1)(c)(5) Security recording requirement.** The zoning ordinance can certainly contain the requirement that marihuana businesses preserve recordings for at least 45 days. In making the decision to do so, the Commission should be aware that their MRTMA & MMFLA police power ordinances only require recording preservation for seven days.
- **E(1)(d)(2) Artificial lighting.** From a practicality concern, we have concerns that you wanted to prevent exterior lighting from being visible from adjoining properties—as lights are visible from far distances at night. The Commission could consider in the revisions simply prohibiting light that adversely affects adjacent properties (which seems to also address the concerns regarding “light trespass” which is not otherwise a defined term). We also find that commissions regularly focus on glare and the nuisance impacts of light as opposed to visibility of the light source itself.
- **E(2)(b) Eliminate footprint requirement.** Under the zoning ordinance’s schedule of regulations (article XII, section 12.11), the only districts that contain restrictions on maximum structural coverage of lots are the commercial and industrial district.
- **E(2)(d) Revise nuisance language.** We encourage revision of the nuisance language to reference a “reasonable person of normal sensitivities.” The reasonable person standard has been upheld by courts in many contexts.
- **E(2)(e) Ensure Businesses Have the Right to Co-Locate.**

The Michigan Regulation and Taxation of Marihuana Act Provides:

A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act.

MCL 333.27956(5). The Commission should consider this relation to its amendment.

- **37.60(A)(10). Eliminate duplicitous language.** Section 37.60(A)(11) provides: “There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.” Since premises means the building or structure within which the activity occurs, the Commission may want to modify this reference. If you could not see these items outside of the building, you could not see it outside the property.

Please note that I am going to be unavailable for a few days and then have intermittent access to email. If you have any questions or comments regarding the above, please reply all and I will coordinate with Jake and Kaylin on a response.

Sincerely,

Chris



Christopher S. Patterson

Member • Fahey Schultz Burzych Rhodes

Direct: 517.381.3205 • Cell: 269.744.4807

Office: 517.381.0100 • Fax: 517.381.3185

fsbrlaw.com • cpatterson@fsbrlaw.com

4151 Okemos Road, Okemos, MI 48864 USA

▼ U.S. News & World Report Ranked Best Law Firm

This message is from a law firm, and thus may contain or attach privileged or confidential information, information exempt from disclosure, or an attorney-client communication that is confidential and privileged by law. It is intended solely for the use of the addressee. It is not intended for transmission to, or receipt by, any unauthorized person. If you believe that you have received this message or any attachment in error, simply delete both from your system without reading or copying, and notify the sender by e-mail or by calling 517-381-0100.

Neither this information block, the typed name of the sender, nor anything else in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message. Thank you.

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 06/16/22 08:57 by dling

Acct #: 2055

Ad #: 586996

Status: New WHOLD WHOI

LEGAL NOTICE

**WHITEWATER TOWNSHIP PLANNING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENT NO. 83**

The Whitewater Township Planning Commission will conduct a public hearing at their regularly scheduled meeting on **Wednesday, July 6th, 2022, beginning at 7 o'clock in the evening at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.** The purpose of the public hearing will be to receive comments regarding certain proposed amendments to the Whitewater Township Zoning Ordinance as described below:

Article 1, ZONING ORDINANCE WHITEWATER TOWNSHIP, MICHIGAN: The purpose of this amendment is to update the preamble.

Article 12, BUILDING SIZES, LOT SIZES, AND YARD REQUIREMENTS: The purpose of this amendment is to create an easier to read format, address apartment density and setbacks, address unclear standards, update terms, and address inconsistencies with other portions of the Ordinance.

ARTICLE 14, WATERFRONT PROPERTY: The purpose of this amendment is to relocate items to more appropriate locations within the Ordinance and update terms. Article 14.11.C and 14.11.D have been relocated from Article 12. Article 14.11.A has been amended by removing the term "Water's Edge" and replacing it with "Ordinary High-Water Mark."

All persons are welcome to attend and will be heard concerning the proposed amendments. Remote participation through Zoom will be available. A copy of the proposed zoning ordinance amendment language is available for public inspection at the Whitewater Township offices, 5777 Vinton Road, Williamsburg, Michigan 49690, during regular business hours, and on the township website at www.whitewatertownship.org.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, P.O. Box 159, Williamsburg, Michigan 49690.

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 x24 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

June 19, 2022-1T

586996

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. [INSERT NUMBER]**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2022, at ____:____ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to revise its preamble, amend Article XXII addressing building sizes, lot sizes and yard requirements, and alter Article XIV to address certain requirements in the Boardman River Valley in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ZONING ORDINANCE WHITEWATER TOWNSHIP, MICHIGAN Ord. No. 6 eff. Dec. 23, 1972. The Whitewater Township Zoning Ordinance's preamble shall be amended to read as follows:

**ZONING ORDINANCE
WHITEWATER TOWNSHIP, MICHIGAN
Ord. No. 6 eff. Dec. 23, 1972**

An Ordinance to establish zoning districts and regulations in the Township of Whitewater, County of Grand Traverse and State of Michigan in accordance with the provisions of Act 110 of the Public Acts of 2006 as amended; to define certain terms used herein; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance; to provide for amendments to this Ordinance; and to provide penalties for the violation of this Ordinance.

SECTION 2: AMENDMENT TO ARTICLE XII. The Whitewater Township Zoning Ordinance, Article XII shall be amended by amending ARTICLE XII Building Sizes and Yard Requirements to read as follows:

**ARTICLE XII
BUILDING SIZES AND YARD REQUIREMENTS**

12.00 BUILDING SIZES AND YARD REQUIREMENTS

12.10 BUILDING SIZES

- A. Each Dwelling or other main building hereafter erected in any district shall have a permanent foundation and a minimum of seven hundred (700) square feet of floor space, not including breezeways, porches and garages, unless specifically exempted elsewhere in this Ordinance.
- B. The floor area of a mobile home shall be that stated as the manufacturer's declared measurements.
- C. Campground cabins shall not exceed six hundred and fifty (650) square feet including covered porches.
- D. All structures, lots, and structure setbacks from property lines shall comply with the regulations established in Article XII of this Ordinance, unless specifically exempted elsewhere in this Ordinance.

12.11 GENERALLY APPLICABLE CONDITIONS:

- A. No structure shall be built within the minimum yards required except when expressly allowed elsewhere in the ordinance.
- B. Minimum Lot Areas shall be calculated by square foot unbroken by any road, street, or thoroughfare.
- C. Maximum Structure Height in all districts shall be 35' or 2 ½ stories above grade.
- D. Minimum Width to Maximum Depth Ratio regulating lot shape of new parcels shall be 1:4 in all districts.
- E. Variance provisions for Depth to Width Ratio are found in General Ordinance 26, Land Division Ordinance.
- F. There shall be a 30' Setback in all directions between multifamily residential structures in any district.

12.12 RESIDENTIAL DISTRICTS

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
R1	General	100'	20,000	30'	15'	30'	----
R2	Single family	100'	12,000	30'	15'	30'	----
	Two Family	120'	22,000	30'	15'	30'	----
R3	General	120'	11,000 Per Dwelling	30'	15'	30'	----

12.13 AGRICULTURAL AND RECREATION

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Ag	General	200'	40,000	30'	15'	30'	----
	Commercial Campground	---	40-acre min	100'	100'	100'	----
RC	General	100'	5 acres	30'	15'	30'	----
	Commercial Campground	----	40-acre min	100'	100'	100'	Limit of 1 site per 2 acres or 1 cabin per 5 acres.

12.14 COMMERCIAL AND INDUSTRIAL DISTRICTS

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Commercial - C	General	100'	----	50'	* 10'	30'	40% Max. lot coverage
	Multi-family Housing	----	11,000 Per Dwelling	50'	50'	50'	See 12.16.6
*Combination shall total 30% of width but not less than 10' per side.							
Village - V	General	*	*	*	10'	15'	----
	Multi-family Housing	*	11,000 Per Dwelling	*	*	*	See 12.16.6
*Refer to conditional standards in Article 8.6.							
Industrial - N	General	100'	----	50'	(a)	30''	40% Max. lot coverage
	Multi-family Housing	---	11,000 Per Dwelling	50'	50'	50'	See 12.16.6
(a) Combination shall total 30% of width but not less than 15' per side.							

12.15 RESERVED FOR MARIHUANA RELATED ESTABLISHMENTS

12.16 SPECIAL SITUATIONS

Except for the specific requirements stated the regulation for the underlying zone shall remain unchanged.

Situation /Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Frontage on Boardman River and tributaries	200'	----	100' from Ordinary High Water Mark			----
Frontage on all other Lakes and Streams	----	----	50" from the Ordinary High Water Mark			----
M72 in the Ag District	----	----	100'	----	----	----
Supply Rd.	----	----	100'	----	----	----
Old M72 in the C District	----	----	30'	0	----	----
Enclosures/structures						
Horses/livestock	----	2 ½ acres	100'	100'	100'	----
Chickens/rabbits	----	----	40'	40'	40'	----
Dog Kennels – Sled, Hunting, or Breeding	----	10 acres	200'	200'	200'	----

12.17 HARDSHIP

No requirements contained in this Article shall prevent the use of a lot or parcel of land of lesser size, provided the same was of legal record or had been laid out by a registered surveyor prior to the effective date of this Ordinance; and provided, further, that as to any lot or parcel of land not of legal record or so laid out on the date of passage of this Ordinance, if any conditions shall create a hardship in complying with the restrictions contained in this Article, Zoning Board of Appeals (ZBA) may grant deviation therefrom after first determining that the same shall not be inimical to the public health, safety or welfare.

SECTION 3: AMENDMENT TO ARTICLE XIV. The Whitewater Township Zoning Ordinance, Article XIV, Section 14.11 Special Requirements for the Boardman River Valley shall be amended to read as follows:

14.11 SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

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

A. A managed vegetative strip shall be maintained within fifty (50) feet of the ordinary high water mark, as follows:

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

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

1. Stabilize the river banks.
2. Prevent erosion.
3. Absorb nutrients in water runoff from adjacent lands.
4. Provide shading for the stream to maintain cool water temperature.

5. Screen adjacent man-made structures.

C. In no case shall a lot or parcel having frontage on the Boardman River or its tributaries be less than two hundred (200) feet wide at the ordinary high water mark or the building setback line, or be less than two hundred (200) feet deep.

D. A dock may be constructed parallel to the bank, not exceeding ten (10) feet in length and not protruding in the stream, and when constructed of natural materials such as rocks or logs.

SECTION 4: 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 5: 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 6: 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 7: 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 8: 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 [REDACTED], 2022, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the [REDACTED] newspaper, a newspaper that circulates within Whitewater Township, on [REDACTED], 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 [REDACTED], 2022.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. [INSERT NUMBER]**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2022, at ____:____ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to revise its preamble, amend Article XXII addressing building sizes, lot sizes and yard requirements, and alter Article XIV to address certain requirements in the Boardman River Valley in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ZONING ORDINANCE WHITEWATER TOWNSHIP, MICHIGAN Ord. No. 6 eff. Dec. 23, 1972. The Whitewater Township Zoning Ordinance's preamble shall be amended to read as follows:

**ZONING ORDINANCE
WHITEWATER TOWNSHIP, MICHIGAN
Ord. No. 6 eff. Dec. 23, 1972**

An Ordinance to establish zoning districts and regulations in the Township of Whitewater, County of Grand Traverse and State of Michigan in accordance with the provisions of Act 110 of the Public Acts of 2006 as amended; to define certain terms used herein; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance; to provide for amendments to this Ordinance; and to provide penalties for the violation of this Ordinance.

SECTION 2: AMENDMENT TO ARTICLE XII. The Whitewater Township Zoning Ordinance, Article XII shall be amended by amending ARTICLE XII Building Sizes and Yard Requirements to read as follows:

**ARTICLE XII
BUILDING SIZES AND YARD REQUIREMENTS**

12.00 BUILDING SIZES AND YARD REQUIREMENTS

12.10 BUILDING SIZES

- A. Each Dwelling or other main building hereafter erected in any district shall have a permanent foundation and a minimum of seven hundred (700) square feet of floor space, not including breezeways, porches and garages, unless specifically exempted elsewhere in this Ordinance.
- B. The floor area of a mobile home shall be that stated as the manufacturer's declared measurements.
- C. Campground cabins shall not exceed six hundred and fifty (650) square feet including covered porches.
- D. All structures, lots, and structure setbacks from property lines shall comply with the regulations established in Article XII of this Ordinance, unless specifically exempted elsewhere in this Ordinance.

12.11 GENERALLY APPLICABLE CONDITIONS:

- A. No structure shall be built within the minimum yards required except when expressly allowed elsewhere in the ordinance.
- B. Minimum Lot Areas shall be calculated by square foot unbroken by any road, street, or thoroughfare.
- C. Maximum Structure Height in all districts shall be 35' or 2 ½ stories above grade.
- D. Minimum Width to Maximum Depth Ratio regulating lot shape of new parcels shall be 1:4 in all districts.
- E. Variance provisions for Depth to Width Ratio are found in General Ordinance [26](#), Land Division Ordinance.
- F. There shall be a 30' Setback in all directions between multifamily residential structures in any district.

12.12 RESIDENTIAL DISTRICTS

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
R1	General	100'	20,000	30'	15'	30'	----
R2	Single family	100'	12,000	30'	15'	30'	----
	Two Family	120'	22,000	30'	15'	30'	----
R3	General	120'	11,000 Per Dwelling	30'	15'	30'	----

12.13 AGRICULTURAL AND RECREATION

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Ag	General	200'	40,000	30'	15'	30'	----
	Commercial Campground	---	40-acre min	100'	100'	100'	----
RC	General	100'	5 acres	30'	15'	30'	----
	Commercial Campground	----	40-acre min	100'	100'	100'	Limit of 1 site per 2 acres or 1 cabin per 5 acres.

12.14 COMMERCIAL AND INDUSTRIAL DISTRICTS

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Commercial - C	General	100'	----	50'	* 10'	30'	40% Max. lot coverage
	Multi-family Housing	----	11,000 Per Dwelling	50'	50'	50'	See 12.16.6
*Combination shall total 30% of width but not less than 10' per side.							
Village -V	General	*	*	*	10'	15'	----
	Multi-family Housing	*	11,000 Per Dwelling	*	*	*	See 12.16.6
*Refer to conditional standards in Article 8.6.							
Industrial - N	General	100'	----	50'	(a)	30"	40% Max. lot coverage
	Multi-family Housing	---	11,000 Per Dwelling	50'	50'	50'	See 12.16.6
(a) Combination shall total 30% of width but not less than 15' per side.							

12.15 RESERVED FOR MARIHUANA RELATED ESTABLISHMENTS

Formatted: Font: 12 pt

12.16 SPECIAL SITUATIONS

Except for the specific requirements stated the regulation for the underlying zone shall remain unchanged.

Situation /Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Frontage on Boardman River and tributaries	200'	----	100' from Ordinary High Water Mark			----
Frontage on all other Lakes and Streams	----	----	50" from the Ordinary High Water Mark			----
M72 in the Ag District	----	----	100'	----	----	----
Supply Rd.	----	----	100'	----	----	----
Old M72 in the C District	----	----	30'	0	----	----
Enclosures/structures						
Horses/livestock	----	2 ½ acres	100'	100'	100'	----
Chickens/rabbits	----	----	40'	40'	40'	----
Dog Kennels – Sled, Hunting, or Breeding	----	10 acres	200'	200'	200'	----

Formatted: Font: 12 pt

12.17 ~~SCHEDULE OF REGULATIONS~~

~~(See Sections 12.12 – 12.16 for tables)~~

NOTES:

- ~~A. No structure shall be built within the minimum yards required except when expressly allowed elsewhere in this Ordinance.~~
- ~~B. Variance provisions for the width to depth ratio will be found in General Ordinance 26, Land Division Ordinance, Section VII-D.~~

12.18 HARDSHIP

No requirements contained in this Article shall prevent the use of a lot or parcel of land of lesser size, provided the same was of legal record or had been laid out by a registered surveyor prior to the effective

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Space After: 8 pt

date of this Ordinance; and provided, further, that as to any lot or parcel of land not of legal record or so laid out on the date of passage of this Ordinance, if any conditions shall create a hardship in complying with the restrictions contained in this Article, Zoning Board of Appeals (ZBA) may grant deviation therefrom after first determining that the same shall not be inimical to the public health, safety or welfare.

SECTION 3: AMENDMENT TO ARTICLE XIV. The Whitewater Township Zoning Ordinance, Article XIV, Section 14.11 Special Requirements for the Boardman River Valley shall be amended to read as follows:

14.11 SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

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

A. A managed vegetative strip shall be maintained within fifty (50) feet of the ordinary high water mark, as follows:

Formatted: Font: 12 pt, Not Bold

1. Vegetative strips shall consist of native trees, shrubs, vegetation and other natural materials.

2. Existing native vegetation should be preserved whenever possible.

3. No ponds shall be constructed, no earth moved, surface soils removed or filled for building within the managed vegetative strip.

4. Utility lines shall be installed only as follows:

(a) New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment.

(b) Brushy vegetation shall be restored to the disturbed area in the managed vegetation strip.

(c) Local service lines to private dwellings shall originate from the landward side of the dwelling.

5. Chemical control of vegetation shall be prohibited within the managed vegetative strip.

6. Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.

7. The use of the managed vegetative strip for stock watering areas and stream crossing of horseback trails is subject to the approval of the Zoning Administrator, who may require a plan from the Soil Conservation District, or Department of Environmental Quality (DEQ) as part of the requirement for use.

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

1. Stabilize the river banks.
2. Prevent erosion.
3. Absorb nutrients in water runoff from adjacent lands.
4. Provide shading for the stream to maintain cool water temperature.
5. Screen adjacent man-made structures.

C. In no case shall a lot or parcel having frontage on the Boardman River or its tributaries be less than two hundred (200) feet wide at the ordinary high water mark or the building setback line, or be less than two hundred (200) feet deep.

D. A dock may be constructed parallel to the bank, not exceeding ten (10) feet in length and not protruding in the stream, and when constructed of natural materials such as rocks or logs.

SECTION 4: 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 5: 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 6: 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 7: 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 8: 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

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 06/16/22 09:05 by dling

Acct #: 2055

Ad #: 586999

Status: New WHOLD WHOI

LEGAL NOTICE

WHITEWATER TOWNSHIP PLANNING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENT NO. 84

The Whitewater Township Planning Commission will conduct a public hearing at their regularly scheduled meeting on **Wednesday, July 6th, 2022 beginning at 7 o'clock in the evening at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.** The purpose of the public hearing will be to receive comments regarding certain proposed amendments to the Whitewater Township Zoning Ordinance as described below:

Article 25, SITE PLAN REVIEW AND SPECIAL LAND USES: The purpose of this amendment to Articles 25.10, 25.11.A and 25.21 is to revise the process for reviewing Site Plans and Special Use Permit applications, alter the circumstances where an applicant is required to submit a Site Plan, and amend the process for accepting and reviewing Special Use Permit applications.

All persons are welcome to attend and will be heard concerning the proposed amendments. Remote participation through Zoom will be available. A copy of the proposed zoning ordinance amendment language is available for public inspection at the Whitewater Township offices, 5777 Vinton Road, Williamsburg, Michigan 49690, during regular business hours, and on the township website at www.whitewatertownship.org.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, P.O. Box 159, Williamsburg, Michigan 49690.

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 x24 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

June 19, 2022-1T

586999

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. [INSERT NUMBER]**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2022, at __:___ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to revise the process for reviewing site plans and special use permit applications, alter the circumstances where an applicant is required to submit a site plan, and amend the process for accepting and reviewing special use permit applications for property located in the Township; in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ARTICLE XXV SECTION 25.10. The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Section 25.10 SITE PLAN REVIEW AUTHORIZATION to read as follows:

25.10 SITE PLAN REVIEW / SPECIAL USE PERMIT (SUP) - AUTHORIZATION AND PROCEDURES

A. The Zoning Administrator and/or Planning Commission as specified in this section shall review and approve, approve with conditions or deny all site plans and special use permit applications submitted under this Ordinance. Each action taken shall be duly recorded in the official record by the Zoning Administrator or in the minutes of the Planning Commission. Those applications which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Zoning Administrator as to compliance with Ordinance requirements. The Zoning Administrator shall also seek the recommendation of the Fire Chief, Road Commission, Drain Commission, Health Department, and Michigan Department of Environment Great Lakes and Energy (EGLE), or their successors, where applicable.

B. Following approval of a site plan or special use permit application, the applicant shall comply with all other local and state laws, including any applicable permits or approvals.

SECTION 2: AMENDMENT TO ARTICLE XXV SECTION 25.11(A). The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Section 25.11(A). SITE PLAN REVIEW: WHERE REQUIRED to remove the requirement that all proposed uses or

developments in environmentally sensitive areas as required under Article 27.00, Environmentally Sensitive Areas, submit a site plan for review. Section 25.11(A) shall now read as follows:

A. SITE PLAN REVIEW: WHERE REQUIRED

Site plan review shall be required for any of the following activities:

1. Erection, moving, conversion or structural alteration to a building or structure other than a single-family dwelling.
2. Development of non single-family residential uses in single-family districts and development of non-agricultural uses in the agricultural district except for single-family dwellings.
3. All special land uses.
4. Any excavation, filling, soil removal or mining, except for the creation of ponds for agricultural use.
5. All site condominiums, condominium subdivisions and PUD's.

SECTION 3: AMENDMENT TO ARTICLE XXV SECTION 25.21. The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Article 25.21: SPECIAL USE PERMIT APPLICATION REQUIREMENTS to read as follows:

25.21 SPECIAL USES

25.21.A. Purpose

This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a special use permit.

25.21.B. Authority to Grant Permits

The Planning Commission has the authority to approve, deny or approve with conditions special use permits in accordance with this Ordinance. If approved or conditionally approved by the Planning Commission, the Zoning Administrator shall issue special use permits.

25.21.C. Application and Fee

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Zoning Administrator by filing a completed special use permit application form, including all required data, exhibits and information, and depositing the required minimum fee. Such application shall be accompanied by the minimum fee as established from time to time by the Township Board. No part of such fee shall be refundable to the Applicant.

If an application of a complex nature is received, the Zoning Administrator may determine that the application requires the assistance of expert(s) resulting in additional costs. Upon the Zoning

Administrator's determination that expert review is required requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of up to two thousand five hundred (\$2,500.00) dollars. The applicant shall deposit the additional fee with Whitewater Township which shall keep an accurate accounting of the funds in a separate account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. In consultation with the Township Board, the Zoning Administrator shall use the additional fee to contact and select necessary experts or consultants, receive a work proposal and estimate from the experts on their fees and costs for the application, and for the services of the expert(s) or consultant(s) (i.e., legal opinions or studies).

At the next meeting of the Planning Commission, or prior to the next meeting of the Planning Commission the Zoning Administrator in consultation with the Chair of the Planning Commission, shall: a) establish a budget for the services of the expert(s), meeting costs, zoning administration expenses; and b) send an invoice to the applicant for the amount of the budget established with a request the applicant notify the township within ten (10) days, in writing, that he will withdraw the application, or will proceed and pay the balance of the additional fees based on the budget.

The applicant shall deposit the additional fee with the Township which shall keep an accurate accounting of the funds in the same account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. The Planning Commission shall use the additional fee to pay the services of the expert(s), meeting costs, and zoning administration expenses.

During the application process, the Planning Commission may from time-to-time modify the budget for such costs. Any additional actual costs incurred in processing such application shall be paid before a permit is issued and may be required to be payable in increments as review of the application progresses. The additional costs shall be for no more than the actual costs incurred by the Township processing the application. No part of such actual cost shall be returnable to the applicant. If there are any remaining monies in the Township's account upon conclusion of the application, those monies shall be returned to the Applicant.

The deposit required by this section is in addition to any security required elsewhere in this Ordinance.

25.21.D. Pre-Application Conference

Applicant(s) may request a meeting with the Zoning Administrator and not more than two (2) members of the Planning Commission before submitting an application. The purpose of the meeting is to discuss special use permit processing procedures, explanation of this Zoning Ordinance, what has been required of similar applications in the past, and to assist the Applicant and Township with understanding of general concepts and design parameters prior to investment in preparation of a site plan or special use permit application. Township officials at this meeting shall not indicate or otherwise commit the Township to any particular action regarding the application.

25.21.E. Information Required in Application

An application for special use permit shall include:

1. The Applicant(s) name(s) and address(s).
2. A signed affidavit identifying whether the Applicant(s) are the owner of the property, have an ownership interest in the property, or are acting on the behalf of owners of the property. If the Applicant(s) do not own the property, then the signed affidavit must also be approved and signed by the property's owner(s).
3. The address and a legal description of the property.
4. A project schedule and development plan.
5. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet.
6. A written statement regarding the project's effects on existing infrastructure, including but not limited to traffic, capacity of roads, schools, existing utilities, the natural environment, and water aquifer.
7. A detailed site plan as specified in Article 25.10 et seq. of this Ordinance, unless waived or otherwise determined to be unnecessary by the Planning Commission.

25.21.F. Review for Completeness

Upon receipt of the special use permit application, the Zoning Administrator will review the application for administrative completeness. If the application is not administratively complete, the Zoning Administrator will return the application to the Applicant(s) with a letter that specifies the additional material(s) required. If the application is deemed administratively complete, the Zoning Administrator and Chair of the Planning Commission shall establish a date to hold a public hearing on the special use permit application.

25.21.G. Notice of Public Hearing

1. If the application is administratively complete, the Zoning Administrator shall notify the following persons of the application being considered. This notice must be sent not less than fifteen (15) days before the date of the public hearing. These notices shall be sent to:
 - a. The Applicant(s).
 - b. The owner of the property, if different.
 - c. To all persons to whom real property is assessed within 300 feet of the property that is the subject of the request.
 - d. To the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Township.
 - e. The public by notification in a newspaper of general circulation in Whitewater Township.
 - f. The members of the Planning Commission.
 - g. Utility providers, when requested by a utility or otherwise deemed necessary.
 - h. Michigan Department of Transportation, if within 300 feet of a state highway.

- i. Michigan Department of Environment Great Lakes and Energy (EGLE) if the proposed Special Use is on property with surface water, wetlands, groundwater, or otherwise requires a permit from EGLE.
2. Failure of the Zoning Administrator to notify those persons and entities listed in Subsection 25.21.G of this Ordinance shall not be grounds to challenge the validity of the proposed special use permit, provided notice has been given in accordance with the Michigan Zoning Enabling Act. The notice shall include:
 - a. A description of the nature of the special use permit being requested.
 - b. The property(-ies) for which the request has been made. A listing of all existing street addresses within the property(-ies) subject of the Special Use (i.e., street addresses do not need to be created and listed if no such addresses currently exist and another means of identification may be used.)
 - c. Where the application documents can be viewed prior to the date of its consideration.
 - d. When and where written comments will be received concerning the request.
 - e. The date, time and location of the public hearing where the request will be considered.
 - f. The address at which written comments may be directed prior to Township consideration.
 - g. For members of the Planning Commission only, a complete copy of the special use permit application and supporting documents in the record.
3. Any person or entity that receives notice pursuant to this section of this Ordinance may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the hearing on the issue. Such submissions shall be considered advice to the Planning Commission. The applicant may wish to review an application with Grand Traverse County, Grand Traverse Band, public utilities, EGLE, road agencies, and other governing authorities having jurisdiction over the proposed special use prior to the hearing, or prior to submitting the application to the Commission.

25.21.H. Hearing and Decision

The Planning Commission shall hold a public hearing on the special use permit application to receive input from the general public. Anyone who receives notice pursuant to Section 25.21.G may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the public hearing. Such submissions shall be considered advice to the Planning Commission.

The Planning Commission shall either approve, approve with conditions, or deny the application. The decision shall be in writing and clearly state the reasons for the decision. At a minimum the record of the decision shall include:

1. A summary of public comments made at the hearing;

2. Formal finding of facts;
3. The conclusions derived from the facts (reasons for the decision);
4. The decision; and
5. A listing of any conditions upon which issuing a permit is issued.

25.21.I. Special Use Permit Standards

1. In addition to the standards established for specific uses herein, an application for a special use permit shall be reviewed for compliance with site plan review standards in Article 25.10 through 25.20 of this Ordinance. The Planning Commission may impose reasonable conditions upon a special use permit.
2. No special use permit shall be approved unless all of the following standards are met. Each application shall be reviewed for the purpose of determining that the proposed Special Use shall:
 - a. Be designed, constructed, operated and maintained so as to be harmonious and compatible with the existing or intended character of the general vicinity, and that the use will not change the essential character of the area in which it is proposed.
 - b. Be adequately served by essential public facilities and services such as highways, streets, fire and safety, drainage, refuse disposal, water and sewage treatment, etc.
 - c. Not create excessive additional public costs for essential public services or facilities.
 - d. Not involve activities, processes, materials, equipment or conditions that will be detrimental to any persons, property, or the public from the traffic, noise, smoke, vibration, fumes, glare, odors, etc.
 - e. Be sufficiently designed to maintain adequate provision for the protection of the health, safety, and welfare of those proposing the special use, residents and adjoining landowners and the community as a whole.
 - f. Be consistent with the intent of this Zoning Ordinance and the Master Plan.
 - g. Not create or substantially add to traffic hazards.
 - h. Not have significant adverse impacts to environmental, ecological, or natural resources.
 - i. Be in compliance with the requirements of the applicable local, county, state, and federal laws or regulations.
 - j. Not have significant adverse impacts on adjoining properties, or to allowed or established uses.

25.21.J. Special Land Use Permit Conditions

Special Land Use Permits can be granted with conditions imposed by the Planning Commission consistent with MCL 125.3504 (4). Any conditions, limitations or requirements upon which approval is based shall be based upon findings of fact and be:

1. Reasonable and designed to protect natural resources, the health, safety and welfare of the public;

2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
3. Related to the purposes which are affected by the proposed use or activity;
4. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective zoning district;
5. Designed to ensure compatibility with adjacent uses of land and the natural environment; and the proposed special use or activity will be designed to ensure compatibility with public services and facilities.

25.21.K. Record of Special Land Use Permit

Following approval of a SUP the Zoning Administrator shall generate a report incorporating the approved findings, conditions, and any applicable restrictions. This report shall be signed by the applicant and the Chair or Secretary of the Planning Commission and the applicant. A copy of the signed report will be provided to the applicant and retained in the township's files.

A notice of the special use permit shall be recorded with a property description with the Grand Traverse County Register of Deeds. The applicant shall provide proof of recording to the Township. The application and all other information relating to the special use permit shall be filed with the Township by the Zoning Administrator.

25.21.L. Security Requirement

To ensure compliance with relevant sections of the Zoning Ordinance, site plan, and any special use permit conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, in addition to action 25.16 Site Plan Performance Guarantee the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount and under the conditions permitted by law. Such security shall be deposited with the Township at the time of the issuance of the special use permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to ensure compliance.

25.21.M. Amendment of Special Use Permits

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

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

Major amendments to special use permits shall be handled in the same manner as the initial special use permit application. Minor special use permit amendments shall be reviewed by the Zoning Administrator. Major special use permit amendments, requests falling outside the scope of the Zoning Administrator's authority, or any item the Zoning Administrator deems necessary shall be presented to the Planning Commission for their consideration.

25.21.N. Transfer of Special Use Permit

A special use permit, with any and all associated benefits, conditions and required security shall run with the land and shall be binding on the landowner, and his or her successors, heirs and assigns. The responsibility for effecting the transfer of required security shall be the original landowner (or their heir(s) if the original landowner is deceased), who shall request a return of their required security, if any, from the Township Zoning Administrator. The Zoning Administrator shall contact the new property owner to see if they wish to continue the authorized special use permit by providing the security requirement. Upon the new property owner providing the Township the required security or an affirmative statement they wish to rescind the special use permit, the Zoning Administrator shall return the required security provided by the original property owner to the original property owner.

25.21.O. Construction Code Permits

A special use permit shall be required prior to the issuance of a building permit from the Grand Traverse County Building Department pursuant the then-applicable construction code pursuant to the State Construction Code Act.

25.21.P. Expiration of Special Use Permits

A special use permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent special use permit.
2. If replaced or superseded by a permitted use.
3. If the applicant requests the rescinding of the special use permit.
4. If the use is discontinued, relocated, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.
5. If the construction or use has not commenced and proceeded meaningfully toward completion within one (1) year of issuance, the special use permit shall be null and void, unless an extension is granted by the Planning Commission.

25.21.Q. Violation of Special Use Permit

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

SECTION 4: 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 5: 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 6: 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 7: 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 8: 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

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. [INSERT NUMBER]**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2022, at __:___ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to revise the process for reviewing ~~Site Plans~~site plans and ~~Special Use Permit~~special use permit applications, alter the circumstances where an applicant is required to submit a ~~Site Plans~~site plan, and amend the process for accepting and reviewing ~~Special Use Permit~~special use permit applications for property located in the Township; in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, ORDAINS:

SECTION 1: AMENDMENT TO ARTICLE XXV SECTION 25.10. The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Section 25.10 SITE PLAN REVIEW AUTHORIZATION to read as follows:

25.10 SITE PLAN REVIEW / SPECIAL USE PERMIT (SUP) - AUTHORIZATION AND PROCEDURES

A. The Zoning Administrator and/or Planning Commission as specified in this section shall review and approve, approve with conditions or deny all site plans and ~~Special Uses~~special use permit applications submitted under this Ordinance. Each action taken shall be duly recorded in the official record by the Zoning Administrator or in the minutes of the Planning Commission. Those applications which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Zoning Administrator as to compliance with Ordinance requirements. The Zoning Administrator shall also seek the recommendation of the Fire Chief, Road Commission, Drain Commission, Health Department, and Michigan Department of Environment Great Lakes and Energy (EGLE), or their successors, where applicable.

B. Following approval of a ~~Site Plans~~site plan or ~~Special Uses~~special use permit application, the applicant shall comply with all other local and state laws, including any applicable permits or approvals.

SECTION 2: AMENDMENT TO ARTICLE XXV SECTION 25.11(A). The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Section 25.11(A). SITE PLAN REVIEW: WHERE REQUIRED to remove the requirement that all proposed uses or

developments in environmentally sensitive areas as required under Article 27.00, Environmentally Sensitive Areas, submit a site plan for review. Section 25.11(A) shall now read as follows:

A. SITE PLAN REVIEW: WHERE REQUIRED

Site plan review shall be required for any of the following activities:

1. Erection, moving, conversion or structural alteration to a building or structure other than a single-family dwelling.
2. Development of non single-family residential uses ~~in single-family districts and~~ development of non-agricultural uses in the agricultural district except for single-family dwellings.
3. All special land uses.
4. Any excavation, filling, soil removal or mining, except for the creation of ponds for agricultural use.
5. All site condominiums, condominium subdivisions and PUD's.

Formatted: Font: Not Bold, Font color: Auto, Not Strikethrough

Formatted: Font color: Auto

SECTION 3: AMENDMENT TO ARTICLE XXV SECTION 25.21. The Whitewater Township Zoning Ordinance, Article XXV shall be amended by amending Article 25.21: SPECIAL USE PERMIT APPLICATION REQUIREMENTS to read as follows:

25.21 SPECIAL USES

25.21.A. Purpose

This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a special use permit.

25.21.B. Authority to Grant Permits

The Planning Commission has the authority to approve, deny or approve with conditions special use permits in accordance with this Ordinance. If approved or conditionally approved by the Planning Commission, the Zoning Administrator shall issue special use permits.

25.21.C. Application and Fee

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Zoning Administrator by filing a completed special use permit application form, including all required data, exhibits and information, and depositing the required minimum fee. Such application shall be accompanied by the minimum fee as established from time to time by the Township Board. No part of such fee shall be refundable to the Applicant.

If an application of a complex nature is received, the Zoning Administrator may determine that the application requires the assistance of expert(s) resulting in additional costs. Upon the Zoning Administrator's determination that expert review is required requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of up to two thousand five hundred (\$2,500.00) dollars. The applicant shall deposit the additional fee with Whitewater Township which shall keep an accurate accounting of the funds in a separate account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. In consultation with the Township Board, the Zoning Administrator shall use the additional fee to contact and select necessary experts or consultants, receive a work proposal and estimate from the experts on their fees and costs for the application, and for the services of the expert(s) or consultant(s) (i.e., legal opinions or studies).

) or consultant(s) (i.e., legal opinions or studies).

At the next meeting of the Planning Commission, or prior to the next meeting of the Planning Commission the Zoning Administrator in consultation with the Chair of the Planning Commission, shall: a) establish a budget for the services of the expert(s), meeting costs, zoning administration expenses; and b) send an invoice to the applicant for the amount of the budget established with a request the applicant notify the township within ten (10) days, in writing, that he will withdraw the application, or will proceed and pay the balance of the additional fees based on the budget.

The applicant shall deposit the additional fee with the Township which shall keep an accurate accounting of the funds in the same account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. The Planning Commission shall use the additional fee to pay the services of the expert(s), meeting costs, and zoning administration expenses.

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font: Bold

During the application process, the Planning Commission may from time-to-time modify the budget for such costs. Any additional actual costs incurred in processing such application shall be paid before a permit is issued and may be required to be payable in increments as review of the application progresses. The additional costs shall be for no more than the actual costs incurred by the Township processing the application. No part of such actual cost shall be returnable to the applicant. If there are any remaining monies in the Township's account upon conclusion of the application, those monies shall be returned to the Applicant.

The deposit required by this section is in addition to any security required elsewhere in this Ordinance.

25.21.D. Pre-Application Conference

Applicant(s) may request a meeting with the Zoning Administrator and not more than two (2) members of the Planning Commission before submitting an application. The purpose of the meeting is to discuss special use permit processing procedures, explanation of this Zoning Ordinance, what has been required of similar applications in the past, and to assist the Applicant and Township with understanding of general concepts and design parameters prior to investment in preparation of a site plan or special use permit application. Township

officials at this meeting shall not indicate or otherwise commit the Township to any particular action regarding the application.

25.21.E. Information Required in Application

An application for special use permit shall include:

1. The Applicant(s) name(s) and address(s).
2. A signed affidavit identifying whether the Applicant(s) are the owner of the property, have an ownership interest in the property, or are acting on the behalf of owners of the property. If the Applicant(s) do not own the property, then the signed affidavit must also be approved and signed by the property's owner(s).
3. The address and a legal description of the property.
4. A project schedule and development plan.
5. Land uses and existing structures on the subject parcel and adjoining parcels within 300 feet.
6. A written statement regarding the project's effects on existing infrastructure, including but not limited to traffic, capacity of roads, schools, existing utilities, the natural environment, and water aquifer.
7. A detailed site plan as specified in Article 25.10 et seq. of this Ordinance, unless waived or otherwise determined to be unnecessary by the Planning Commission.

25.21.F. Review for Completeness

Upon receipt of the special use permit application, the Zoning Administrator will review the application for administrative completeness. If the application is not administratively complete, the Zoning Administrator will return the application to the Applicant(s) with a letter that specifies the additional material(s) required. If the application is deemed administratively complete, the Zoning Administrator and Chair of the Planning Commission shall establish a date to hold a public hearing on the special use permit application.

25.21.G. Notice of Public Hearing

1. If the application is administratively complete, the Zoning Administrator shall notify the following persons of the application being considered. This notice must be sent not less than fifteen (15) days before the date of the public hearing. These notices shall be sent to:
 - a. The Applicant(s).
 - b. The owner of the property, if different.
 - c. To all persons to whom real property is assessed within 300 feet of the property that is the subject of the request.
 - d. To the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the Township.
 - e. The public by notification in a newspaper of general circulation in Whitewater Township.
 - f. The members of the Planning Commission.

- h.g. Utility providers, when requested by a utility or otherwise deemed necessary.
- i.h. Michigan Department of Transportation, if within 300 feet of a state highway.
- j.i. Michigan Department of Environment Great Lakes and Energy (EGLE) if the proposed Special Use is on property with surface water, wetlands, groundwater, or otherwise requires a permit from EGLE.

2. Failure of the Zoning Administrator to notify those persons and entities listed in Subsection 25.21.G of this Ordinance shall not be grounds to challenge the validity of the proposed special use permit, provided notice has been given in accordance with the Michigan Zoning Enabling Act. The notice shall include:
 - a. A description of the nature of the special use permit being requested.
 - b. The property(-ies) for which the request has been made. A listing of all existing street addresses within the property(-ies) subject of the Special Use (i.e., street addresses do not need to be created and listed if no such addresses currently exist and another means of identification may be used.)
 - c. Where the application documents can be viewed prior to the date of its consideration.
 - d. When and where written comments will be received concerning the request.
 - e. The date, time and location of the public hearing where the request will be considered.
 - f. The address at which written comments may be directed prior to Township consideration.
 - g. For members of the Planning Commission only, a complete copy of the special use permit application and supporting documents in the record.
3. Any person or entity that receives notice pursuant to this section of this Ordinance may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the hearing on the issue. Such submissions shall be considered advice to the Planning Commission. The applicant may wish to review an application with Grand Traverse County, Grand Traverse Band, public utilities, EGLE, road agencies, and other governing authorities having jurisdiction over the proposed special use prior to the hearing, or prior to submitting the application to the Commission.

25.21.H. Hearing and Decision

The Planning Commission shall hold a public hearing on the special use permit application, to receive input from the general public. Anyone who receives notice pursuant to Section 25.21.G may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the public hearing. Such submissions shall be considered advice to the Planning Commission.

Formatted: Font: Not Bold

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font color: Auto

The Planning Commission shall either approve, approve with conditions, or deny the application. The decision shall be in writing and clearly state the reasons for the decision. At a minimum the record of the decision shall include:

1. A summary of public comments made at the hearing;
2. Formal finding of facts;
3. The conclusions derived from the facts (reasons for the decision);
4. The decision; and
5. A listing of any conditions upon which issuing a permit is issued.

25.21.I. Special Use Permit Standards

1. In addition to the standards established for specific uses herein, an application for a special use permit shall be reviewed for compliance with site plan review standards in Article 25.10 through 25.20 of this Ordinance. The Planning Commission may impose reasonable conditions upon a special use permit.
2. No special use permit shall be approved unless all of the following standards are met. Each application shall be reviewed for the purpose of determining that the proposed Special Use shall:
 - a. Be designed, constructed, operated and maintained so as to be harmonious and compatible with the existing or intended character of the general vicinity, and that the use will not change the essential character of the area in which it is proposed.
 - b. Be adequately served by essential public facilities and services such as highways, streets, fire and safety, drainage, refuse disposal, water and sewage treatment, etc.
 - c. Not create excessive additional public costs for essential public services or facilities.
 - d. Not involve activities, processes, materials, equipment or conditions that will be detrimental to any persons, property, or the public from the traffic, noise, smoke, vibration, fumes, glare, odors, etc.
 - e. Be sufficiently designed to maintain adequate provision for the protection of the health, safety, and welfare of those proposing the special use, residents and adjoining landowners and the community as a whole.
 - f. Be consistent with the intent of this Zoning Ordinance and the Master Plan.
 - g. Not create or substantially add to traffic hazards.
 - h. Not have significant adverse impacts to environmental, ecological, or natural resources.
 - i. Be in compliance with the requirements of the applicable local, county, state, and federal laws or regulations.
 - j. Not have significant adverse impacts on adjoining properties, or to allowed or established uses.

25.21.J. Special Land Use Permit Conditions

Special Land Use Permits can be granted with conditions imposed by the Planning Commission consistent with MCL 125.3504 (4). Any conditions, limitations or requirements upon which approval is based shall be based upon findings of fact and be:

1. Reasonable and designed to protect natural resources, the health, safety and welfare of the public;
2. Relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
3. Related to the purposes which are affected by the proposed use or activity;
4. Consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective zoning district;
5. Designed to ensure compatibility with adjacent uses of land and the natural environment; and the proposed special use or activity will be designed to ensure compatibility with public services and facilities.

25.21.K. Record of Special Land Use Permit

Following approval of a SUP the Zoning Administrator shall generate a report incorporating the approved findings, conditions, and any applicable restrictions. This report shall be signed by the applicant and the Chair or Secretary of the Planning Commission and the applicant. A copy of the signed report will be provided to the applicant and retained in the township's files.

A notice of the special use permit shall be recorded with a property description with the Grand Traverse County Register of Deeds. The applicant shall provide proof of recording to the Township. The application and all other information relating to the special use permit shall be filed with the Township by the Zoning Administrator.

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font color: Auto

25.21.L. Security Requirement

To ensure compliance with relevant sections of the Zoning Ordinance, site plan, and any special use permit conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, in addition to action 25.16 Site Plan Performance Guarantee the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount and under the conditions permitted by law. Such security shall be deposited with the Township at the time of the issuance of the special use permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to ensure compliance.

25.21.M. Amendment of Special Use Permits

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

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

Major amendments to special use permits shall be handled in the same manner as the initial special use permit application. Minor special use permit amendments shall be reviewed by the Zoning Administrator. Major special use permit amendments, requests falling outside the scope of the Zoning Administrator's authority, or any item the Zoning Administrator deems necessary shall be presented to the Planning Commission for their consideration.

25.21.N. Transfer of Special Use Permit

A special use permit, with any and all associated benefits, conditions and required security shall run with the land and shall be binding on the landowner, and his or her successors, heirs and assigns. The responsibility for effecting the transfer of required security shall be the original landowner (or their heir(s) if the original landowner is deceased), who shall request a return of their required security, if any, from the Township Zoning Administrator. The Zoning Administrator shall contact the new property owner to see if they wish to continue the authorized special use permit by providing the security requirement. Upon the new property owner providing the Township the required security or an affirmative statement they wish to rescind the special use permit, the Zoning Administrator shall return the required security provided by the original property owner to the original property owner.

25.21.O. Construction Code Permits

A special use permit shall be required prior to the issuance of a building permit from the Grand Traverse County Building Department pursuant the then-applicable construction code pursuant to the State Construction Code Act.

25.21.P. Expiration of Special Use Permits

A special use permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The special use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent special use permit.
2. If replaced or superseded by a permitted use.

3. If the applicant requests the rescinding of the special use permit.
4. If the use is discontinued, relocated, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.
5. If the construction or use has not commenced and proceeded meaningfully toward completion within one (1) year of issuance, the special use permit shall be null and void, unless an extension is granted by the Planning Commission.

25.21.Q. Violation of Special Use Permit

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

SECTION 4: 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 5: 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 6: 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 7: 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 8: 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

T. C. RECORD-EAGLE, INC.
120 WEST FRONT STREET
TRAVERSE CITY MI 49684
(231)946-2000
Fax (231)946-8273

ORDER CONFIRMATION (CONTINUED)

Salesperson: DENISE LINGERFELT

Printed at 06/16/22 09:13 by dling

Acct #: 2055

Ad #: 587001

Status: New WHOLD WHOI

LEGAL NOTICE

WHITEWATER TOWNSHIP PLANNING COMMISSION
PROPOSED ZONING ORDINANCE AMENDMENT NO. 85

The Whitewater Township Planning Commission will conduct a public hearing at their regularly scheduled meeting on **Wednesday, July 6th, 2022 beginning at 7 o'clock in the evening at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan**. The purpose of the public hearing will be to receive comments regarding certain proposed amendments to the Whitewater Township Zoning Ordinance as described below:

Article 3, DEFINITIONS: The purpose of this amendment is to add a definition for "Residential Development" and to add a section for "Marijuana Related Definitions".

Article 6, RESIDENTIAL R-1: The purpose of this amendment is to add Caregiver Operations as a "Permitted Use" in all districts.

Article 9, INDUSTRIAL N: The purpose of this amendment is to add Medical Marijuana Grow and Processing facilities as a "Use Permitted by Special Use" in the Industrial district.

Article 10, AGRICULTURAL A-1: The purpose of this amendment is to add Medical Marijuana Grow and Processing facilities as a "Use Permitted by Special Use" in the Agricultural district.

Article 25, SITE PLAN REVIEW AND SPECIAL USE PERMITS: The purpose of this amendment to Article 25 by adding 25.22.E, S.U.P. STANDARDS GOVERNING LOCATION AND OPERATION OF MARIJUANA BUSINESSES, providing for the regulation of Commercial Medical Marijuana Facilities, and define guidelines for evaluation of such Facilities, Establishments, and Operations as Special Uses.

Article 37: SUPPLEMENTARY PROVISIONS: The purpose of this amendment is to add **Article 37.60, MARIJUANA CAREGIVER OPERATIONS**, providing standards for the regulation and operation of Primary Caregiver facilities as a Permitted Use.

All persons are welcome to attend and will be heard concerning the proposed amendments. Remote participation through Zoom will be available. A copy of the proposed zoning ordinance amendment language is available for public inspection at the Whitewater Township offices, 5777 Vinton Road, Williamsburg, Michigan 49690, during regular business hours, and on the township website at www.whitewatertownship.org.

Written comments will be received until the time of the meeting and should be addressed to the Whitewater Township Planning Commission, P.O. Box 159, Williamsburg, Michigan 49690.

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 x24 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

June 19, 2022-1T

587001

**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

~~Color Code: Black: existing~~ ~~Red: new~~ ~~Blue: Notes~~

**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:

Formatted: Font: Times New Roman Bold, All caps

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."

Formatted: Font: Not Bold

Formatted: Indent: First line: 0.5", Space After: 0 pt,
Line spacing: single, Don't adjust space between Latin
and Asian text, Don't adjust space between Asian text
and numbers

~~Marihuana~~ **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 MCRA 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 ~~the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of 2,000 or as may be defined in the MRTMA.~~ 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.

Formatted: Font: Not Bold

MARIHUANA BUSINESS: means ~~any of the following marihuana-related businesses licensed a business involving one or more licenses issued~~ under the MMFLA ~~or MRTMA.~~ 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 GROWER-~~is~~: ~~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 licensed to cultivate, dry, trim, or cure and package~~ located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor ~~or~~, 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 (MMMA), 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:

Section 4. 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:

Formatted: Font: Times New Roman Bold, All caps

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.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

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 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.

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: Not Bold, Font color: Auto

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 Permit Holder 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.

Formatted: Font color: Auto

Formatted: Font color: Auto

f. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals. ▲

Formatted: Font color: Auto

g. There shall be no shipments, deliveries, or mechanized loading/unloading between the hours of 9 p.m. and 8 a.m.

Formatted: Font color: Auto

Formatted: Font color: Auto

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 no disturbance detectable to the normal senses at or beyond its property line, including but not limited

Formatted: Font color: Auto

Formatted: Font color: Auto

~~to processes that create excessive noise, dust, vibrations, glare, fumes, odor or 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.

~~All Marihuana Business structures and operations shall maintain a two hundred (200) foot setback measured horizontally between the closest edge of any building or operation and the property line of any existing residential development, residential zoning district, or a district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted.~~

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font color: Auto

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

~~A variance may be sought as provided for in the zoning ordinance and where the Marihuana Business would operate from a structure previously used for commercial purposes...
(Removed in full. A variance can always be requested from the ZBA. The PC does not want to suggest approval, limit or appear to limit the ZBA's scope, authority, or autonomy.)~~

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

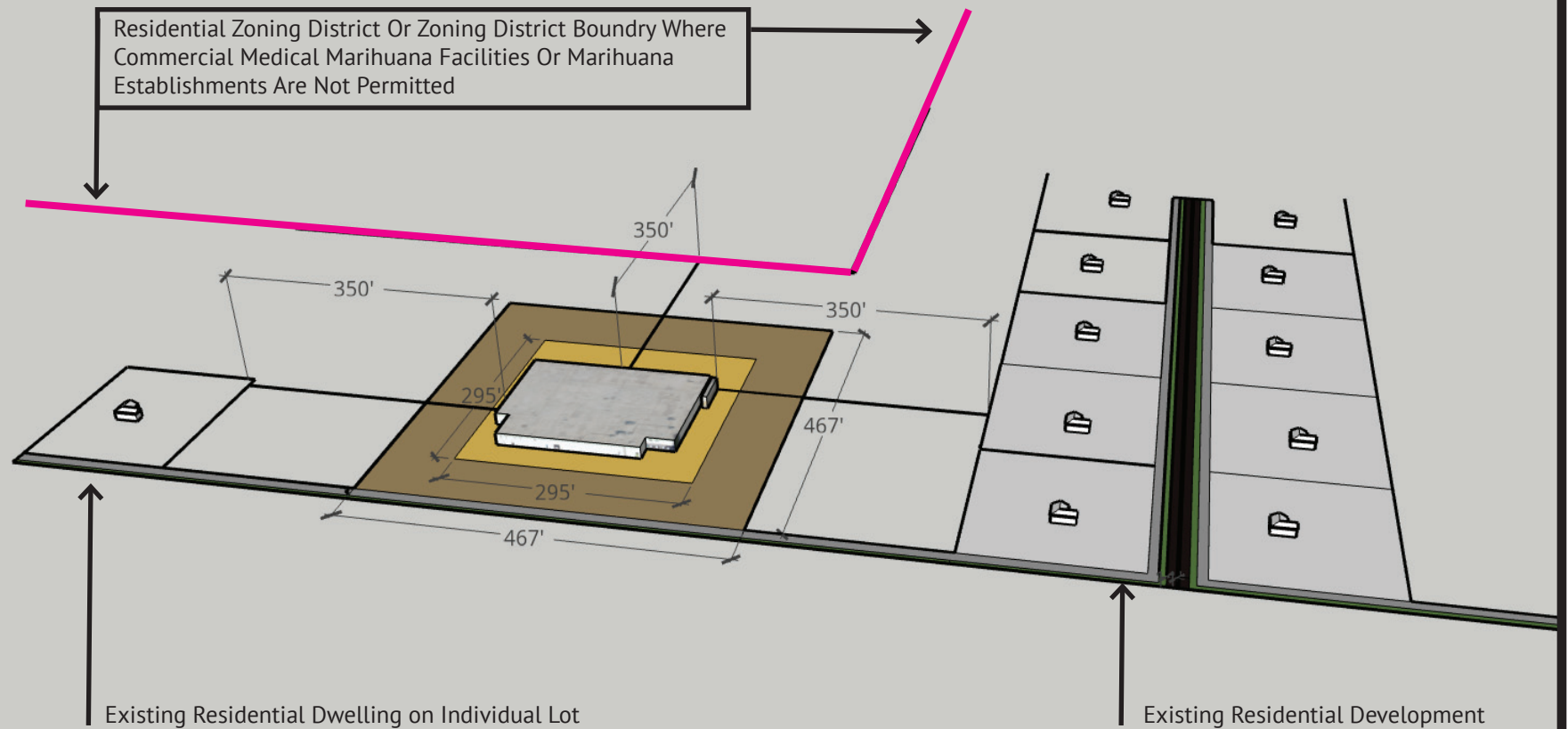
I hereby certify that:

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

Graphic Showing General Application of Draft Marihuana Facility Regulations (6/29/22)



Illustrated Lot Size (Brown & Yellow Area) = 5 Acres (217,800 SQ. FT., 467 x 467)

Maximum Lot Coverage (Yellow Area) = 40% (87,120 SQ. FT., 295 x 295)

Approximate Building Size As Shown = 42,000 SQ. FT. (could be much larger and still comply with maximum lot coverage)

Residential lots are shown at about 1 Acre in size.



RECEIVED
6-27-22
Cg

June 23, 2022

To Whom it May Concern,

Pursuant to the requirements of the Michigan Planning Enabling Act (PA 33 of 2008, as amended), this notification is to inform you that the Draft East Bay Charter Township Master Plan is available for review and comment through September 1, 2022. On June 13, 2022, the East Bay Township Board approved the draft plan for public review and comment. The Planning Commission will be holding a public hearing in September.

The draft plan is available for review on the Township's Website: www.eastbaytwp.org. You may also review a copy of the draft plan at the East Bay Township Hall: 1965 N. Three Mile Road, Traverse City, MI 49696.

Please submit comments to Claire Karner at ckarner@eastbaytwp.org or at the Township mailing address listed above. If you would like to receive any future notices regarding the Township's Master Plan electronically, please e-mail your request along with your e-mail address to Claire Karner at ckarner@eastbaytwp.org.

Sincerely,

Claire Karner, AICP
Director of Planning & Zoning

Zoning Amendment 83 Lot sizes etc - error in document

From: Linda Slopsema (lindaslopsema@gmail.com)

To: manguspc@yahoo.com; zoning@whitewatertownship.org

Date: Monday, June 27, 2022, 10:34 AM EDT

It appears that the current draft I received from Bob Hall is in error since the specified additional standards (density) for Ag district commercial campgrounds is missing. Please see below snips from the draft document and from the 5/4 meeting minutes.

ALSO, the main page of the website states that the text of the amendments are on the planning commission page. This is incorrect. The only info on the Planning Commission page is the same public notice that is on the main page.

12.13 AGRICULTURAL AND RECREATION

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Ag	General	200'	40,000	30'	15'	30'	---
	Commercial Campground	--	40-acre min	100'	100'	100'	---
RC	General	100'	5 acres	30'	15'	30'	----
	Commercial Campground	----	40-acre min	100'	100'	100'	Limit of 1 site per 2 acres or 1 cabin per 5 acres.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR SPECIAL MEETING
w/ public participation via Zoom
May 4, 2022

Call to Order at 6:06 p.m.

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

Absent: None

Unfilled seats: One commission member and the Township Board Representative

Also in attendance: Zoning Administrator Hall via Zoom, Recording Secretary MacLean and 8 participating via zoom.

Set / Adjust Agenda:

Declaration of Conflict of Interest: None.

Public Comment:

Vicky Beam, 6847 Baggs Road, regarding opposition to the process not site condos in general but opposed to the Baggs Road project; Master Plan and zoning.

Linda Slopsema: regarding setbacks, campgrounds, density of building projects, zoning maps, marihuana and variances.
Via Zoom: Connie Hymore, Baggs Road, regarding development, not against development, against the development as presented; Master Plan.

Special Meeting Business:

1. Article 12 Setbacks – Commission discussion on number of campsites per acre. **Consensus 10 campsites (RV, tent) per acre or three cabins per acre.** Can evaluate individually if someone wants something more.
Multi-family standards.

Discussion of current rules; resolve discrepancies regarding animals.

MOTION by Jacobson, second by Keaton to move amendment of Article 12 to the June meeting for Public Hearing.

Roll call: Keaton-yes; Darrow-yes Mangus-yes; Jacobson-yes; Wroubel-yes. All in favor. Motion carried

Linda Slopsema
lindaslopsema@gmail.com
517-614-4887 (cell)

Re: Medical Marijuana ZO amendment 85 questions/comments

From: Linda Slopsema (lindaslopsema@gmail.com)

To: manguspc@yahoo.com

Cc: lindaslopsema@gmail.com

Date: Monday, June 27, 2022, 11:43 AM EDT

One more thing ---

E.2.f.1. I find this text unclear:

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.

So "three separately owned and operated Marihuana Businesses"

1. Does this mean no more than 3 sites in the Ag district?
2. Can one owner have 5 separate sites and count as only 1 operator? This would open you up to the big marijuana people

I think you are trying to limit number of sites but you don't use that word and I find it more confusing when you use the word own. Why do we care how many different owners we have?

Let me know what you think

Linda Slopsema

lindaslopsema@gmail.com

517-614-4887 (cell)

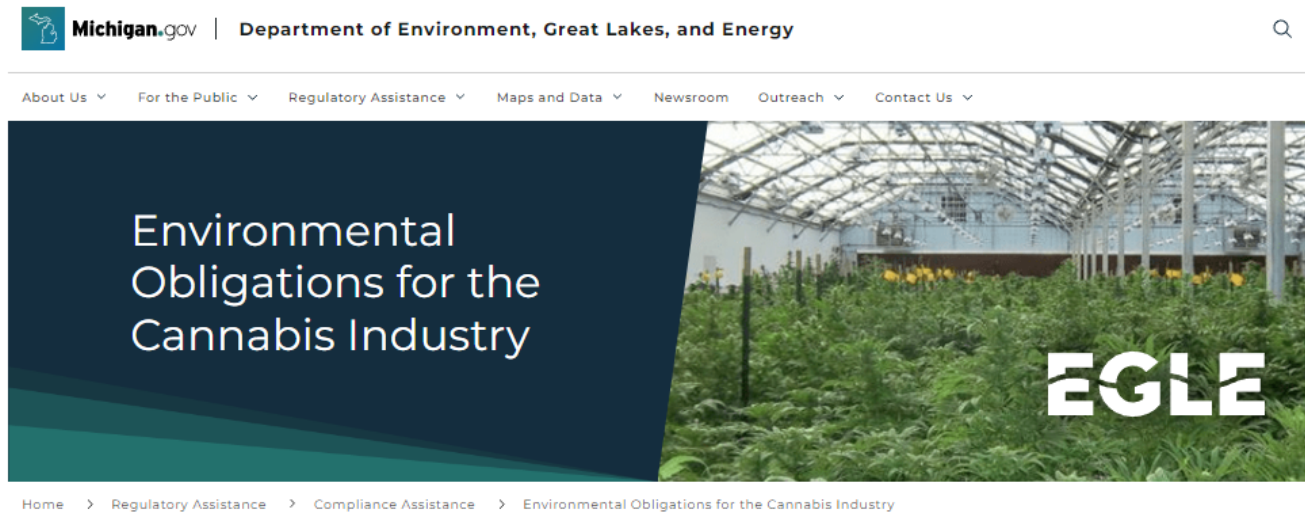
On Mon, Jun 27, 2022 at 11:02 AM Linda Slopsema <lindaslopsema@gmail.com> wrote:

E. SUP marijuana businesses

Statement of Intent: **why is Adult-Use noted here?**

1.b. waste disposal plan....**should insert the word "details compliance"** similar to 1.c. on security plan

Looking on line it appears MANY requirements have been added to the EGLE site:



<https://www.michigan.gov/egle/regulatory-assistance/compliance-assistance/cannabis-environmental-obligations>

I recommend you **add this link in addition to the words the attorney provided**. At the end of the day, the easier you make it for people to find information the more likely you avoid a problem of "oh, I didn't know that". It should also help who-ever gets the job on driving compliance and provides awareness to the public.

Let me know what you think.

Linda Slopsema

lindaslopsema@gmail.com

517-614-4887 (cell)

feedback

From: Vicki Beam (vickibeam@gmail.com)

To: manguspc@yahoo.com

Date: Monday, June 13, 2022, 08:39 AM EDT

At the last PC meeting I meant to mention a typo for Ord No 6 - Michigan is misspelled - Micidgan - attorneys didn't catch it either.

--

Randy A. Mielnik

9304 Wheeler Oaks Dr. Williamsburg, Michigan 49690

June 29, 2022

Whitewater Township Planning Commission
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690

RE: Draft Marihuana Zoning Regulations

Dear Planning Commission Members:

Thank you for the opportunity to comment on the draft Marihuana Business Zoning Ordinance Amendment. Setting aside personal views on marihuana facilities and businesses in Whitewater Township, I share your desire for effective zoning regulations to prevent negative impacts on adjacent property and protect community character, should they be permitted.

In forming my comments on this issue, I had the opportunity to reach out to a former co-worker who is a professional structural engineer with experience designing Marihuana Processing Facilities. He shared the following key points:

1. New production facilities seem to prefer a modular design with individual grow rooms ranging from 2500SF to 4000SF and overall building size around 20,000SF.
2. Modules are desired so they can stagger the harvest times. This allows operators to utilize the same staff for cultivation, horticulture, harvesting, drying, trimming, and packaging. If they do their own processing, that staff is usually specialized for the extraction, cooking, and packaging of the extracted oils into edibles and topicals.
3. Facilities take an enormous amount of energy for the HVAC and grow lighting. Some growers use LED lighting, but it is not preferred due to light wavelengths. One medical grow operation has 25,000 SF of grow rooms in greenhouses and 16,000SF of indoor grow rooms with a processing area. They have a 3.5 MW electrical service.
4. There has been a lot of complaints about the odor. Odor control measures are not popular with growers due to additional HVAC costs.
5. Security is another big issue. Most grow operations use access control with security fencing.
6. Reflective lighting is a potential issue with operations that use greenhouses.
7. The finished product is fairly small and compact so most shipping is done in vans and not semis, so truck movements and storage is not usually a problem.

These observations, and my own research, suggests that the proposed ordinance should be expanded to address three key areas:

Section 6 E, 1, C. A security plan that details compliance with the following requirements

- Add language to specifically address access control (i.e., sliding gate remotely operated) and perimeter security fencing (define acceptable materials and height).

Section 6 E, 1, D. Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations

- Because a marijuana processing facility may involve a greenhouse with artificial lighting, special language should address **interior** lighting that would be visible through glass walls and roof. Large-scale greenhouses often add interior lighting to supplement natural sunlight levels (in December this region gets less than 9 hours of daylight a day). A large illuminated greenhouse at night would be visible for a considerable distance.

Section TBD

- The proposed ordinance is largely silent on the odor issue, and odor problems are a common issue with marijuana growing/processing facilities. New language is needed to specifically address this topic. Proposed projects should be required to provide an odor control/air quality plan as part of their SUP application. Zoning requirements should not spell out specific systems or technology as the industry seems to be evolving toward new best practices and technologies.

Thank you again for the opportunity to offer comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy A. Mielnik". The signature is fluid and cursive, with the first name "Randy" and last name "Mielnik" clearly distinguishable.

Randy A. Mielnik

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
COMMERCIAL MEDICAL MARIHUANA FACILITY AND MARIHUANA
ESTABLISHMENT ZONING ORDINANCE AMENDMENT**

ORDINANCE NO. _____

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Adult-Use Marihuana Facilities, 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 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:

G. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.

H. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E.

Renumber balance of section, 9.11, without change to text.

SECTION 2: 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:

E. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.

F. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E.

Renumber balance of section, 10.11, without change to text.

SECTION 3: 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 4: 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 5: 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 6: 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 17: 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

Whitewater Township - Process for ZO Amendment

Draft

Identify and prioritize needed amendment. Identify items that require revision. Items may be proposed by any member of the PC, ZA, ZBA, Planning Consultant, or Township Board. Amendment proposed by: _____ Date: _____
Draft shall be prepared for PC review by PC Chair, ZA, township attorney, or Planning Consultant.

PC Review

PC review of draft. Revision to the draft may be made by consensus or with a voice vote at the discretion of the chair. Input from ZA, consultants, and the general public should be provide and considered throughout the process.

Dates of review: _____ - _____ - _____ - _____

Completed Draft

Revised document shall be reviewed by the PC. Date: _____

When initial draft shall be sent to the township attorney for initial review and formatting.

Date sent: _____ Return date requested: _____ Date Returned: _____

Note: This is not a legal requirement but rather the preference of the WWTS Board.

Final PC Review

PC shall review input from legal counsel and make determinations necessary to complete final draft of amendment. PC shall determine if second legal review is warranted based upon changes made to the document. Amendment shall be returned to attorney or scheduled for PH. Amendment text and related documents shall be prepared in a Word format for distribution and Public Hearing.

Adoption Process and checklist

Date	Completed by	Completed Task
Public Hearing Preparation		
		Final draft of the proposed ordinance amendment should be reviewed by the attorney, compiled in Word format, and ready for publication prior to Public Hearing. In the event that attorney review is not appropriate, reason should be documents by the PC at the time that the PH is scheduled. (Examples: minor correction or change, readoption or movement of existing text)
		Within one week of PC meeting, the chair shall send notice to township supervisor, clerk, and ZA that Public Hearing has been scheduled.

		ZA or his designee shall prepare Public Hearing notice for publication in the “paper of general circulation”, The Record Eagle.
		Clerk shall arrange for notice to be published no later than 15 days prior to the Public Hearing (MCL 125.3203) with preference given to weekend dates when possible.
NA	NA	Notice shall be mailed to each utility requesting amendment notification. (MCL 125.3306) (There are none on file, as of June 2022)
		PC Chair or ZA shall present to the township clerk a Word copy of the proposed ZO amendment no later than 17 days prior to the Public Hearing date.
		Amendment documents shall be published on the Township Website by the Clerk or designee by the date notice is published. A copy shall also be available for review in person during office hours at townhall.
PC Review		
		Public Hearing shall be held as part of a regular or special meeting held in compliance with the OMA. Discussion shall be held as part of Old Business as part of the same meeting or the next.
		Date of Public Hearing: _____ PC recommendation: _____ Vote: _____ Date of vote: _____
		Following the hearing, PC shall either forward to the TB with recommendation to adopt or reject the proposed amendment or they shall immediately begin revisions based on public input and PC deliberations. When forwarded, the PC shall submit a summary of comments received at public hearing and proposed zoning text to the Township Board. (MCL 125.3308)
NA	NA	Following hearing PC must inform County zoning unless waved. (MCL 125.3307) Grand Traverse County has waved this provision.
Township Board Review		
		Prior to Township Board deliberation, any member of the public can request by certified mail in writing that the board hold an additional Public Hearing. (MCL 125.3401) This may also be held at the board's discretion. Township Board Public Hearing shall be noticed in accordance with MCL 125.3103 (3-4).
		Township Board shall consider proposed ZO amendment at their next opportunity. They may either approve, approve with minor adjustment, reject amendment, or request that PC reevaluate proposal. Majority vote is required to adopt. (MCL 125.3401) Date of Township deliberation: _____

		Results of deliberation: _____
		<p>Approved Amendments shall be published in the Record Eagle and on the Township Website within 15 days of adoption. (MCL125.3401(7))</p> <p>Notice of new ordinance must include the ordinance in its entirety or a legally proper summary. (MCLs 41.184 and 125.3401 (9)) A summary of the amendments regulatory effect and geographic area may also be acceptable (MCL 125.3401 (9)(a-b))</p>
		Adopted zoning ordinance or amendments take effect eight days after publication, unless notice of intent to file a petition of referendum is filed. (MCL 125.3402)
		<p>Adopted zoning ordinance or amendment must be recorded by township clerk in township ordinance book within one week after publication (MCL 41.185)</p> <p>Clerk or designee shall also update the township website copy of the ordinance within one week. Updated copies shall be provided to all Commissioners at the next PC meeting.</p>

Right to Referendum

Any member of the public can file a notice of referendum prior to the effective date of an Ordinance Amendment. This notice informs the township of the filer's intent to prepare a suitable petition and gather signatures to have the question presented to the voters regarding the proposed amendment. Any amendment shall be suspended until referendum is dropped, disqualified, or a vote of the electorate takes place.

Notes:

- This document prepared in consultation with "The Township Guide to Planning and Zoning", Published by the Michigan Township Association, Revised - January 2012.
- Every attempt was made to include all statutory requirements however many of the steps above represent Whitewater Township policies that go above and beyond the requirements of law.
- Worksheet compiled by Mangus, 6.11.22