

WHITEWATER TOWNSHIP PLANNING COMMISSION AGENDA FOR SPECIAL MEETING,
Wednesday, May 4th, 2022 6:00 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: Time: May 4, 2022 06:00 PM Eastern Time (US and Canada)
<https://us06web.zoom.us/j/84027061071?pwd=SW4rZE9hK1cyZ3AxZk1oK2ZNNENBdz09>

Meeting ID: 840 2706 1071
Passcode: 080335

+16465588656,,84027061071#,,, *080335# US (New York)
+13017158592,,84027061071#,,, *080335# US (Washington DC)
Dial by your location
+1 646 558 8656 US (New York)
+1 312 626 6799 US (Chicago)

Kim Mangus, Chairperson – pc4@whitewatertownship.org
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
Vacant, – pc1@whitewatertownship.org – resigned awaiting replacement
Vacancy – Township Board Representative

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

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

6. Public Hearings: NA

7. Approval of minutes: NA

8. Correspondence: NA

9. Reports/Presentations/Announcements/Comments - NA

10. Unfinished Business:

- a. Article 12, Setbacks – Complete and review for public hearing
 - b. Marihuana proposed Zoning Ordinance amendments – Medical
 - c. Article 5, Zoning Districts – Rules of interpretation and draft maps
-

11. New Business:

12. Next Meeting: June 1, 2022, 7:00 pm

13. Public Comment

14. Commission Discussion/Comments

15. Continuing Education:

16. Adjournment Tabled Items:

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

Draft Zoning Ordinance Amendment 12-3-21 to 4-6-22

Color Code: **Black** = original

Red = Needs review or evaluation

Blue = Suggested New or Notes

WHITEWATER TOWNSHIP GRAND TRAVERSE COUNTY, MICHIGAN

Whitewater Township Zoning Ordinance, Township Ordinance #6, effective December 23, 1972, as amended

Whitewater Township ordains:

Part I: The Whitewater Township Zoning Ordinance is hereby amended by replacing Article 12, BUILDING SIZES AND YARD REQUIREMENTS with the following:

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 excepting itinerant labor housing quarters, 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.
- 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 Residential Districts

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
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R1		100'	20,000	30'	15'	30'	
R2	Single family	100'	12,000	30'	15'	30'	
	Two Family	120'	22,000	30'	15'	30'	
R3		120'	11,000 Per Dwelling	30'	15'	30'	See 12.17.F

12.12 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'	Limit of 8 campsites per acre. Limit of 2 cabins per acre.
Determine max # of campsites per acre. Determine max # of cabins per acre.							
RC	General	100'	5 acres	30'	15'	30'	
	Commercial Campground		40 acre min	100'	100'	100'	Limit of 1 site per 2 acres. Limit of 1 cabin per 5 acres.

12.13 Commercial, Village, 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'	Yes 40% Max. lot coverage (building footprint)
	Multi-family Housing		11,000 Per Dwelling	50'	50'	50'	See 12.17.F

*Combination shall total 30% of width but not less than 10' per side.

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Village -V	General	*	*	*	10'	15'	
	Multi-family Housing	*	11,000 Per Dwelling	*	*	*	See 12.17.F
*Refer to conditional standards in Article 8.6.							
Industrial - N	General	100'		50'	*	30"	Yes 40% Max. lot coverage (building footprint)
	Multi-family Housing		11,000 Per Dwelling	50'	50'	50'	See 12.17.F
*Combination shall total 30% of width but not less than 15' per side.							

12.14 Reserved for Marihuana Grow and Processing Establishments

12.15 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			Yes
Frontage on all other Lakes and Streams			50" from the Ordinary High Water Mark			Yes
M72 in the Ag District			100'			
Supply Rd.			100'			
Old M72 in the C District			30'	0		Yes
M-72 in C, R3, and N	100'		75'	25'	30'	Yes 40% Max. lot coverage (building footprint)

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

Situation /Use	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Enclosures/structures for livestock, domestic animals (except house pets)	2 ½ acres	100	100	100	
OR replace with Article 37 standards					
Enclosures/structures Horses/livestock	2 ½ acres	100'	100'	100'	
Chickens/rabbits	2 ½ acres	40' or 100'	40' or 100'	40' or 100'	
Dog Kennels – Sled, Hunting, or Breeding	10 acres	200'	200'	200'	

12.17 Additional conditions:

- A. No structure shall be built within the minimum yards required except when expressly allowed elsewhere in the ordinance. **Relocated from 12.11**
- B. Minimum Lot Areas shall be calculated by square foot unbroken by any road, street, or thoroughfare. **Relocated from table.**
- C. Maximum Structure Height in all districts shall be 35' or 2 ½ stories above grade. **Relocated from table.**
- D. Minimum Width to Maximum Depth Ratio regulating lot shape of new parcels shall be 1:4 in all districts. **Relocated from table.**
- E. Variance provisions for Depth to Width Ratio are found in General Ordinance 25, Land Division Ordinance. **Relocated from 12.11.**
- F. **There shall be a 30' Setback in all directions between multifamily residential structures in any district.**
New

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 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, ~~the Planning Commission~~ **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.

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Amendments to Article 14.11

Part II: The Whitewater Township Zoning Ordinance is hereby amended by moving Article 12, “NOTES TO SECTION” 12.11 (2) to 14.11.C SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

14.11.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 water's edge or the building setback line, or be less than two hundred (200) feet deep.

Part III: The Whitewater Township Zoning Ordinance is hereby amended by moving Article 12, “NOTES TO SECTION” 12.11 (4) to 14.11.D SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

14.11.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.

Part 000:

Amendments to Article 37.20 Raising and keeping of animals or 12

Chickens/Rabbits. 37.20 C or 12 Should be amended. 37 Currently reads 40' for chickens/rabbits - 12 indicates 100'. 37 indicate 200' for dogs that are not house pets, 12 indicates 100'.

Renumber balance as appropriate.

Part IV. Severability

The various parts, sections and clauses of this Zoning Amendment are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Zoning Amendment be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Zoning Amendment.

Part V. 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

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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.

Part VI. 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.

Part VII. Effective Date

The provisions of this Zoning Amendment are ordered to take effect seven (7) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Township.

Part IIX. Adoption

This Zoning Amendment was duly adopted by the Whitewater Township Board at its regular meeting called and held on the ____ day of _____, 2022.

Part IX Publication

The Township Clerk shall cause this Zoning Amendment or summary of this Zoning Amendment to be published in a newspaper of general circulation within Whitewater Township within seven (7) days after adoption.

Ron Popp, Supervisor, Whitewater Township

Goss, Clerk, Whitewater Township Cheryl A.

Adoption date:

Publication date:

Effective date:

CERTIFICATION

I, Cheryl A. Goss, the Clerk for Whitewater Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Zoning Amendment adopted by the

Draft Zoning Ordinance Amendment 12-3-21 to 4-6-22

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Whitewater Township Board at a regular meeting held on _____, 2022. The following members of the Township Board were present at the meeting:

The Zoning Amendment was adopted by the Whitewater Township Board with ____ members of the Board voting in favor (_____) and ____ voting against (_____). A copy of the Zoning Amendment or a summary thereof was published in the Traverse City Record Eagle on

_____.

_____ Cheryl
A. Goss, Clerk, Whitewater Township

Proposed Zoning Ordinance Amendment No. 79

Color Code: Black: existing **Red: new, notes, or needs review**

**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: as that term is defined by the Department of Licensing and Regulatory Affairs being a commercial space that is licensed by LARA or the MRA 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.

MARIHUANA BUSINESS: means any of the following marihuana-related businesses licensed under the MMFLA or MRTMA:

MARIHUANA EVENT ORGANIZER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA.

Proposed Zoning Ordinance Amendment No. 79

MARIHUANA GROWER is a commercial entity licensed to cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center.

MARIHUANA MICROBUSINESS: as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; 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.

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 is a commercial entity licensed to purchase marihuana from a grower and extract resin, package, create marijuana-infused products, or similarly prepare marihuana substances 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, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana - SECURE TRANSPORTER is a commercial entity licensed to store and/or transport marihuana between facilities.

TEMPORARY MARIHUANA EVENT: as that term is defined by the Department of Licensing and Regulatory Affairs 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 or as may be defined in the MRTMA.

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 Marijuana Regulatory Agency (MRA); 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.

Proposed Zoning Ordinance Amendment No. 79

~~Section 3.~~

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

Section 5. 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 Grow Facility subject to the standards of Article 25.22.E.
 - D. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.
- Renumber balance of section, 10.11, without change to text.

Section 6. 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. S.U.P. STANDARDS GOVERNING LOCATION AND OPERATION OF MARIJUANA 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 designate such Facilities, Establishments, and Operations requiring a special use permit; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

Grower and Processor Businesses: Any S.U.P. application in the Industrial (N), or Agricultural (Ag) district and shall comply with the following standards and shall include the following information in addition to the existing requirement for site plan and SUP.

A. SUP applicants shall provide the following:

1. Whether the Marihuana Business will be a principle or accessory use on the property:
 - a. An SUP for a Marihuana Business may be granted as a principal or accessory use in the Agricultural District (Ag).
 - b. An SUP for a Marihuana Business may be granted as a principal use in the ~~Commercial (C-1) or~~ Industrial (N) districts.

Proposed Zoning Ordinance Amendment No. 79

2. A waste disposal plan shall be included with all applications detailing plans for solid, liquid, chemical, plant, and byproduct disposal [^] or processing which does not include on site incineration.

Add ? : which conforms to STATE OF MICHIGAN EGLE SOLID WASTE AND HAZARDOUS WASTE REGULATIONS FOR GROWING AND PROCESSING MARIJUANA, rev. Dec. 2019. Incineration is addressed in B.5.

3. A security plan that details compliance with the following requirements:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store cash or product as required by Michigan State law.
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement agency upon request for inspection.

OR change to **30 days** as many issues do not show up in the 7 day timeframe.

4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:
 - a. A Security Lighting Plan which takes into consideration neighboring properties.
 - b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
 - c. 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.

00. 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.

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

Proposed Zoning Ordinance Amendment No. 79

Add?: There shall be no shipments, deliveries, or mechanized loading/unloading between the hours of 10pm and 7am. Or 9pm to 8am.

B. SUP permit holders for Marihuana Businesses are subject to the following conditions:

1. 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 is issued an initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property. **(2000?)**
2. 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. **Acreage minimum? 5, 10, 20, 50?**
3. 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.
4. A Marihuana Business's operations shall create no disturbance detectable to the normal senses at or beyond its property line, including but not limited to processes that create noise, dust, vibration, glare, fumes, odor or electrical interference. **Does this need to be stronger? Reference TWSH Noise Ord.?**
5. Incineration shall not be permitted at any marihuana business location.
6. Marihuana Businesses located in the Agricultural District shall subject to the following additional standards:

00. There shall be a limit of not more than three (3-5) distinctive Marihuana Business locations permitted to be established within the Agricultural Zoning District.

- a. Any Marihuana Business shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.
- b. Any Marihuana Business may **(shall)** be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
- c. Any Marihuana Business shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
- d. 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.
- e. All Marihuana Business structures and operations shall maintain a three hundred **(300)** foot setback measured horizontally between the closest edge of any building or operation and any existing residential dwelling not held in like ownership.
Should this change to "property line". Add graphic Illustration? How far? 500' and 1000'
- f. 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...

Proposed Zoning Ordinance Amendment No. 79

OR - A setback variance of up to 000 feet may be sought from the Zoning Board of Appeals when a Marihuana Business is locating in a structure previously used for commercial purposes and uniquely otherwise appropriate for this use.

Can we do this? Should we remove completely?

00. All applicant shall provide an Traffic Impact Study indicating potential impact of operation on the surrounding property owners.

7. In additions 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.
8. Any Marihuana Establishments shall comply with the underlying zoning in that district.

Section 7. 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. 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. 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.

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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. There shall be no external evidence, signage, or lighting related to the Caregiver Cultivation Operation detectable from the exterior of the property.
 11. There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.
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ARTICLE V

ZONING DISTRICTS

5.0 ZONING MAP

The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the “Official Zoning Map”. The Official Zoning Map including all notations, references, data and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.

- A. Location: The Official Zoning Map is filed in the office of the Whitewater Township Clerk.
- B. Updates: The Village Council may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Whitewater Township Planning Commission.

5.1 ZONING DISTRICT BOUNDARIES – RULES OF INTERPRETATION

The boundaries of the zoning districts are hereby established as on the official zoning map. Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:

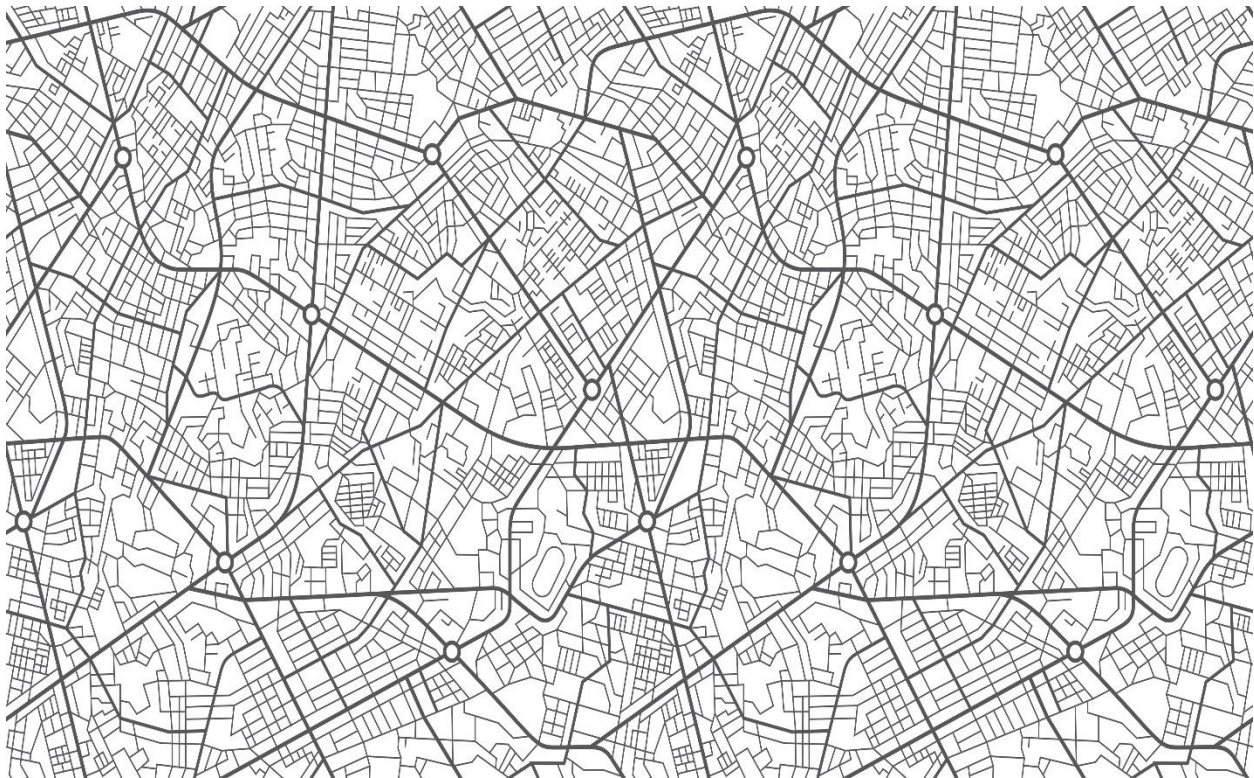
- A. Except where reference on the map is to a street or other designated line by the dimensions shown on the map, the district boundary lines shall follow lot lines or the centerlines of the streets or alleys, and as required, extended to the corporate limits of the village, as they existed at the time of the adoption of this chapter.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map
- C. Where a district boundary line, as established in this section or as shown on the zoning map, divides a lot that was in a single ownership and of record at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of the lot under this chapter shall be considered as extending to the entire lot, provided that the more restricted portion of the lot is entirely within 25 feet of the divided district boundary lines. The use so extended shall be deemed to be conforming.
- D. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Grand Traverse County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

- E. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules “A” through “D” above, the Zoning Administrator shall provide an opinion of the boundaries.
- F. Any dispute in the determination of the zoning district boundaries as interpreted by the zoning administrator shall be heard by the Zoning Board of Appeals who shall make a determination on the zoning designation.

5.2 PROPERTIES WITH MULTIPLE ZONING DESIGNATIONS

When an individual recorded parcel, which exists at the time of adoption of this ordinance, has more than one zoning classification, the zoning designation which comprises (the majority of the parcel area **OR** least restrictive zoning classification) shall be applied to the entire parcel.

5.3 ZONING MAP



Zoning District Questions 4.6.22

The following itemized list was made using a comparative analysis of existing GIS map layers, the 2015 MP Zoning Map, and GT County Register of Deeds records.

Note: All lots on GIS map need updating.

Straightforward Zoning Districts

Industrial –

Heights Machinery property is a COPUD.

Area is correct but lot distinctions on Moore look off.

Extend all districts to the centerline of the road.

Village -

GIS - Extend district to M72

R3 –

Should match MP map – GIS shows it as PUD (PUD never finalized?)

Commercial - West End Looks accurate – all lots are same

Commercial – East End Looks good

COPUD

Should we list them? Were they done as new ZO districts?

Heights, Ginop's, and Acme Christian Thrift are COPUD. **(verify)**

Shell station and C's are not PUDs. **(verify)**

AG South of M72 - Looks accurate

Questions waterfront on 18" ravine S of Industrial.

AG north of M72 – Just verify waterfront guidelines

Challenging Zoning Districts

R2 - Looks mostly accurate

Zoning District Questions 4.6.22

GIS - Remove odd line around tentative historic village / pond area

Millcreek (address separately)

GIS map is off – PUD does not wrap around pond, does not extend to the pond at all, and does not include creek per GT County deed.

Verify – This area was listed as a nature reserve and walking path for development. Why is it still under farm deed?

PUD -

Should we list them? Were they done as new ZO districts? Are we still missing some?

PUD off of Larsen and Elk Lake Rd?

Millcreek – See R2

Waterfront R1

Look at records to determine what the rules were for R1 change due to proximity to lake or stream. Need size for ponds and small streams.

GT GIS list the following bodies of water in WWTS

Lakes: Elk, Skegamog, Truax, and Island

Creeks: Bissel, Tobeco, and Battle











Remove SW tributary to Bissel (about 18" wide)?

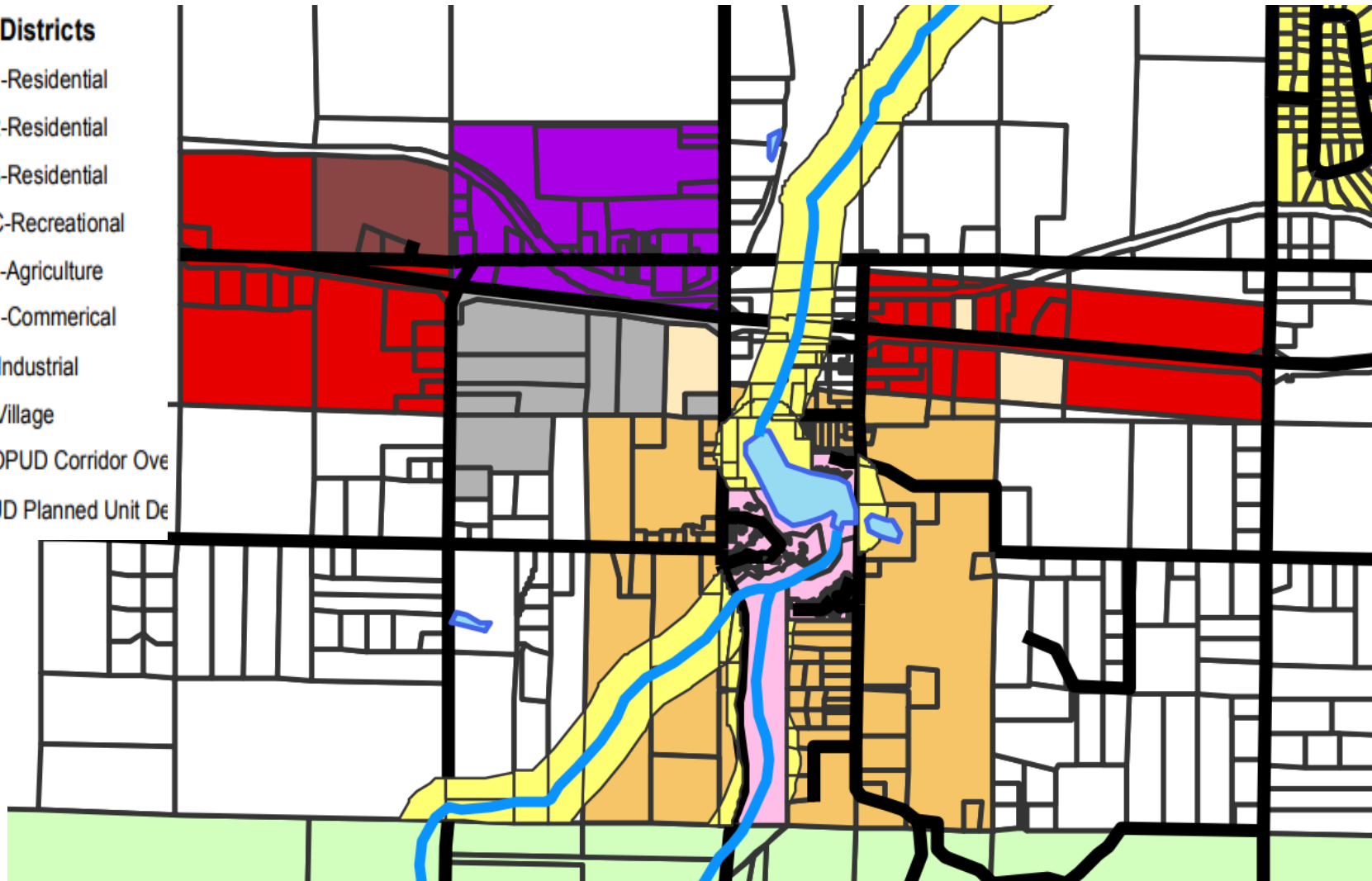
R1 other – Wintergreen Heights – blocked area only R1

Development on Cram off Elk Lake at first turn. Is this R1. **(verify)**

Current Zoning Map from 2015 Master Plan
Village Area detail

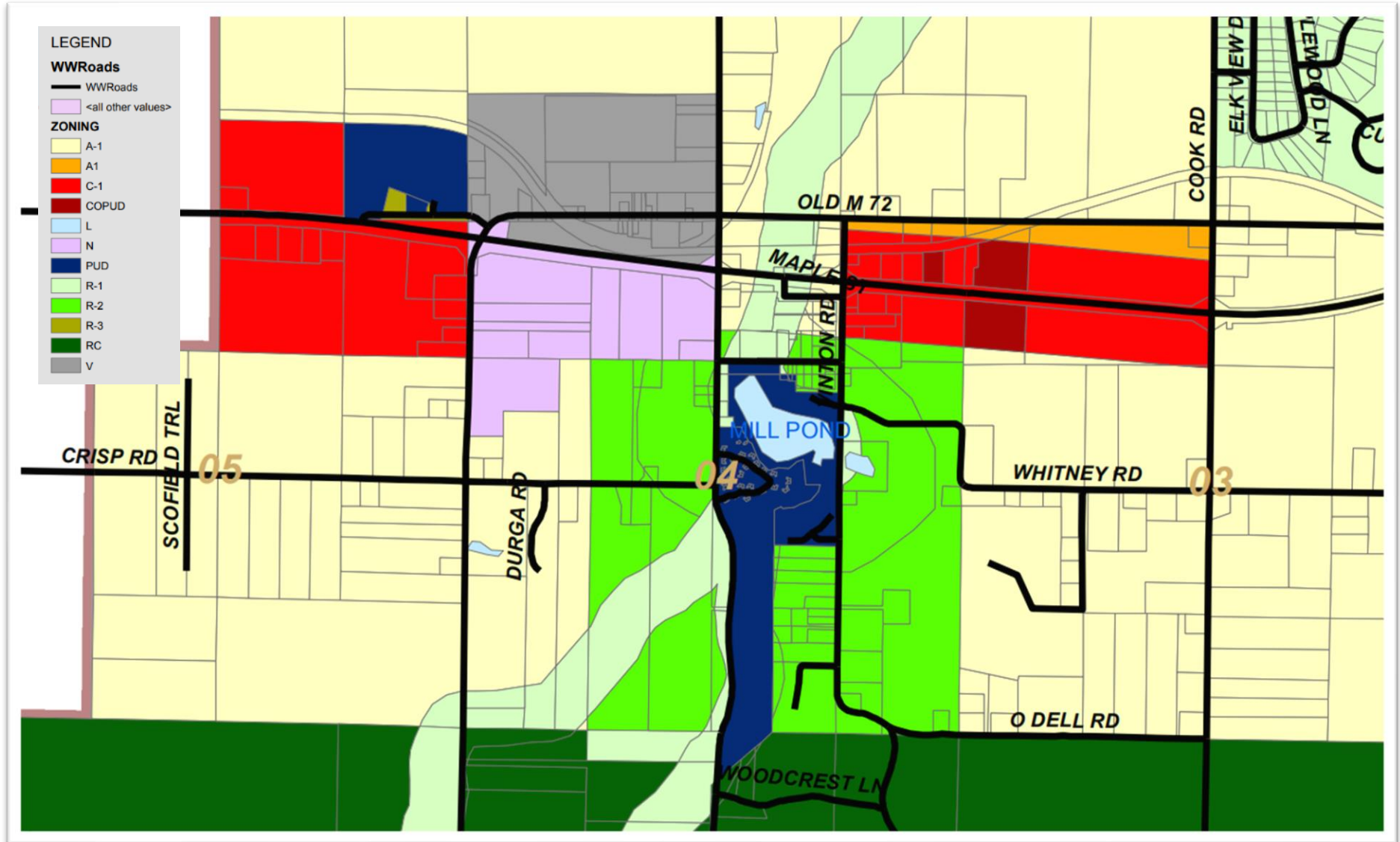
Zoning Districts

-  R1-Residential
-  R2-Residential
-  R3-Residential
-  RC-Recreational
-  A1-Agriculture
-  C1-Commerical
-  N-Industrial
-  V Village
-  COPUD Corridor Ove
-  PUD Planned Unit De



Whitewater Township Zoning Map - Village and Surrounding Area

Draft Working copy – GT GIS - 4.6.22



WHITEWATER TOWNSHIP ZONING



LEGEND

WWRoads

- WWRoads
- <all other values>

ZONING

- A-1
- A1
- C-1
- COPUD
- L
- N
- PUD
- R-1
- R-2
- R-3
- RC
- V

