

**WHITEWATER TOWNSHIP PLANNING COMMISSION AGENDA FOR REGULAR MEETING,**

**October 4<sup>th</sup>, 2023, 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

**Join Zoom Meeting:**

<https://us06web.zoom.us/j/83475741319?pwd=HZ7u5WDHlemOaewbYOlhSois1RNqem.1>

Meeting ID: 834 7574 1319 Passcode: 074142

1. Mic Check, Call to Order, Pledge Allegiance
2. Roll Call of PC Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest pertinent to agenda items
5. Public Comment – Any person shall be permitted to address a meeting of the PC. Public comments shall be carried out in accordance with the following rules and procedures:
  - a. Comments shall be directed to the PC, with questions directed to the Chair.
  - b. Any person wishing to address the PC shall speak from the lectern (or use raise hand feature if Zoom is being utilized) and state his/her name and address.
  - c. Persons may address the PC 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.
  - e. Public comment shall be limited to 3 minutes per person, excluding the time needed to answer any PC members' questions.
6. Public Hearing: None
7. Approval of Minutes of September 6, 2023, Regular Meeting; September 15, 2023, Resident Outreach Subcommittee Meeting; September 20, 2023 PC Special Meeting.
8. Correspondence - none
9. Reports/Presentations/Announcements/Comments
  - a. Zoning Administrator - Hall
  - b. Chair – Steelman
  - c. Township Board Representative – Vollmuth
  - d. ZBA Representative - Wroubel
  - e. Additional Items
10. Unfinished Business
  - a. Master Plan / ROS
    - i. Open House Discussion
    - ii. Next Steps Discussion
    - iii. Review updated Draft Chapters 1-4  
[https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/working\\_document\\_wwt\\_master\\_plan\\_9\\_13\\_23r.pdf](https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/working_document_wwt_master_plan_9_13_23r.pdf)
  - b. Zoning Project Update Discussion
  - c. Joint TB/PC Meeting (11/09) Discussion

11. New Business

- a. Networks Northwest – Rob Carson to present on Metropolitan Planning Organization information

12. Next Meetings:

- a. PC - November 1<sup>st</sup>, 2023, at 7pm
- b. MP Workshop – November 7<sup>th</sup> 7-9pm
- c. Joint TB/PC – November 9<sup>th</sup>, 2023 at 7pm

13. Public Comment

14. PC Discussion/Comments

15. Continuing Education - Networks Northwest Metropolitan Planning Organization Presentation

16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at 231-267-5141.

**DRAFT**  
WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING  
September 6, 2023

Call to Order at 7:00 p.m.

Roll Call: DeYoung, Jacobson, Keaton, Steelman, Vollmuth, Wroubel

Absent: None

Also in attendance: Planner Mielnik and Recording Secretary MacLean

Four on Zoom at the beginning of the meeting.

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Public Comment:

Connie Hymore

Vicki Beam

Public Hearing: None

Approval of Minutes:

MOTION by DeYoung second by Steelman to approve the Planning Commission meeting minutes of August 2 and August 16, 2023 and Special ROS meeting minutes of August 10 (as amended) and August 24, 2023.

Roll call vote: Keaton-yes; Jacobson-yes; Wroubel-yes; Steelman-yes; DeYoung-yes; Vollmuth-yes. Motion carried.

Correspondence: Pages 153 – 161 could be considered correspondence but is part of unfinished business

Reports:

*Zoning Administrator Report, Hall:* Not available. He has a report in the township board packet.

*Chair's Report, Steelman:* None.

*Township Board Rep, Vollmuth:* Recommends the Planning Commission read the whole board packet for the September 12 Township Board meeting. Vollmuth will make copies of the board packet for three of the members for their reference.

Waiting on a response from the Parent Teach Organization regarding cookies.

*ZBA Representative, Wroubel:* August 24 case on a request for variance from the 4:1 width to depth ratio request by Baggs Partners. The Township Board overruled the zoning administrator decision to allow the variance. The board ruled the parcel unbuildable. The request was brought before the ZBA. The ZBA decided in favor of allowing the variance.

*Committee Reports:* None

*Additional items:* None

Unfinished Business:

1. Zoning Update Project – Mielnik

1. Clarification of the current zoning ordinance rather than an update. Not making changes at this time.

2. There are 37 articles that can be condensed to about 17 with better organization.

3. Zoning districts are better as a map rather than the legal descriptions that are currently in the ordinance.

Mielnik will work on improving the draft and readability of the working document.

Some definitions will come directly from the state. Will need to add definitions for clarification as we progress.

Will create a better key to show changes, what and why, etc.

Will make sure all of the amendments are properly in the ordinance.

This zoning ordinance, with the clarifications, will be the working document once approved. Then the PC will be able to go through and address necessary and wanted changes.

Split zone properties will need to be addressed on the map with clarification. Will need to add the scale and signatures with adoption dates.

The consensus of the PC is that they like the direction Mielnik is going with this. Will add hyperlinks when the document is ready.

Mielnik will make a running list of items that need to be addressed at some point.

2. Master Plan update:

Survey results by population – DeYoung can put comments in an order to make it more easily viewed. Have created some charts and will put it in a format that is more useful for questions that may arise in the future. DeYoung will make some adjustments and organization of the info and create some more charts. With input from the ROS members present, suggestions made regarding the charts and what the numbers represent.

Posting the survey on the township website.

MOTION by Vollmuth, second by DeYoung to take the master plan final survey results and place it on the website for public review.

Roll call: Vollmuth-yes; Keaton-yes; Wroubel-yes; Jacobson-yes; Steelman-yes; DeYoung-yes. Motion carried.

3. Resident Outreach Subcommittee (ROS), including Peltonen, McElwee present at the meeting:

Membership discussion and appointments. Nine people reached out to possibly take part in the ROS. Two are still interested.

MOTION by Steelman, second by Jacobson to add Gary Buczkowski and Ream Stratton to the ROS.

Roll call: Wroubel-yes; Keaton-yes; Vollmuth-yes; Jacobson-yes; DeYoung-yes; Steelman-yes. Motion carried.

LIAA memo covers the general direction of the plan. Barry of LIAA will be available at the meeting on the 15<sup>th</sup>.

No elected officials will man a table at the open house on the 28<sup>th</sup>.

Discussion ensued regarding communication, flyers, emails, township web posting, radio and signs.

MOTION by Keaton second by Jacobson to approve the conceptual plan for the open house as laid out in the LIAA memo dated August 28, 2023.

Roll call: Vollmuth-yes; DeYoung-yes; Wroubel-yes; Steelman-yes; Jacobson-yes; Keaton-yes. Motion carried.

If a special meeting needs to be called, if there are any significant changes to the plan it could be Wednesday, September 20, 2023.

Next ROS meeting date September 15, at 9 a.m.

Master Plan Community Engagement is September 28, 2023, at Mill Creek Elementary, 4-7 p.m. with LIAA

4. Township Board response to the PC questions submitted in August to the township board is included in the packet as an FYI. No questions from the PC.
5. Submission to the Township Board for their September 12 meeting, including Clerk's budget amendment request is included in the packet as an FYI. No questions from the PC

New Business:

1. None

Special ROS meeting: September 15, 2023 at 9 a.m.

Community Engagement September 28, 2023, at the Mill Creek Elementary, 4 – 7 p.m.

Next Regular Meeting October 4, 2023, 7 p.m.

Agenda: ROS-Community Engagement discussion, plan for TB / PC joint meeting in November, next community engagement plus review of zoning ordinance and draft master plan.

Public Comment:

Denise Peltonen

Vicki Beam

Connie Hymore

Commission Discussion/Comments:

DeYoung questioned the discussion / public comment of the township and state land division laws. No discussion as it is not on the agenda – it will be at a future date.

Continuing Education: Three excellent training opportunities shared in the packet: Grand Traverse Region Citizen Planner from the Clerk; free training related to the master plan from the ZA and Planning Michigan Conference from Mielnik.

Adjournment: 9:03 p.m.

Tabled items: Article 5 Districts; Article 25, Special Use Permits: campgrounds

Respectfully Submitted  
Lois MacLean,  
Recording Secretary

**DRAFT**  
WHITEWATER TOWNSHIP PLANNING COMMISSION  
RESIDENT OUTREACH SUBCOMMITTEE  
SPECIAL MEETING MINUTES  
September 15, 2023

Call to Order at 9:00 a.m.

Roll Call: DeYoung (Chair), Peltonen, Mielnik, McElwee, Stratton, Buczkowski was on Zoom but did not participate  
Absent: Beam,

Also in attendance: Recording Secretary MacLean and Barry Hicks of LIAA

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Public Comment: None

Special Meeting Business:

1. Workshop Planning:  
2<sup>nd</sup> workshop meeting, tentative November 7, 2023, Mill Creek, 7-9 p.m. Schedule a special PC meeting (September 20) to provide an update and to approve the November 7 date so it can be shared at the September 28 workshop.  
  
Hicks provided maps and room layout for September 28. The stations were determined based on the survey results. The next workshop/focus group (11/7/23) will be determined based on the data that is received at the 9/28 workshop.  
Discussion ensued regarding the individual stations and the way comments and data will be gathered. LIAA providing the posters, instructions, post-its, colored dots, pencils, tape, easels, etc.  
  
Hicks will take the comments to gather common themes to address the objectives for the next workshop meeting.
2. Correct or Revise rollout activities as necessary: Set
3. Resources levels needed to support the ROS group: Set
4. Any related topic that the subcommittee wishes to discuss: None
5. Schedule next meeting date/time, ROS meeting: Will be determined after the workshop on the 28<sup>th</sup>.

Next Regular Meeting October 4, 2023, 7:00 p.m.

Next ROS meeting: Not scheduled

Public Comment:

Lois MacLean

Committee discussion: Name tags

Adjournment: 11:00 a.m.

Respectfully Submitted  
Lois MacLean,  
Recording Secretary

**DRAFT**  
WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES FOR SPECIAL MEETING  
September 20, 2023

Call to Order at 7:01 p.m.

Roll Call: Jacobson, Keaton, Steelman, Wroubel, Slopsema

Absent: DeYoung, Vollmuth

Also in attendance: ROS members: Peltonen

Planner Mielnik and Recording Secretary MacLean

Set / Adjust Agenda:

Declaration of Conflict of Interest: None

Public Comment: None

Special Meeting Business:

1. Welcome Linda Slopsema introduction and background. Received the books and information from Rod Rebant. Recommend the Citizen Planner and the State Planning Conference in October for additional training.
2. 9/28 resident workshop/open-house discussion:  
Six stations:  
1 = Welcome table, Rachel, direct to the various stations, gather information and contact information  
2 = Review of the 2015 MP goals  
3= Zoning/Land Use Preserve Enhance Transform (PETS), LIAA rep,  
4= Development, LIAA rep, with samples and pics  
5= Infrastructure & Transportation (not road maintenance), Tom McElwee  
6= General Feedback, recognize that code enforcement is not part of the MP

Exit – provide an invite to the November 7 workshop

LIAA will do a summary of the open-house and come up with the general subjects for the November 7.

3. Approve second resident workshop for November 7, 2023. Scheduled around the PC meeting dates. Detailed plans will be made. There will be signs again, flyers, etc.  
MOTION by Keaton, second by Wroubel to accept the recommendation of the Resident Outreach Subcommittee to hold the second workshop on November 7, 2023, at Mill Creek 7 – 9 p.m.  
On voice vote. All in favor. Motion carried.

Mielnik will update the Draft Master Plan, MacLean will post it and print it for a copy at the township hall.

One page summary of what has been accomplished since the last Master Plan update/rewrite.

Refer issue questions to Rachel and let them know that the next workshop will be more specific. The survey was the most basic line of information. The first workshop is gathering general information. The second workshop will be more specific.

4. Anything else related to the MP project. No discussion.
5. Zoning project update discussion, Mielnik notes that it is coming along well. Requirements are not being changed at this time. The issues will be addressed one by one.  
Terminology and definitions will need to be addressed throughout.  
Will provide a running list of the issues that will need to be addressed.
6. Discussion of budget amendment and format for Township Board (TB) October meeting. The information provided to the TB for their September meeting did not get approved “because of the budget format” that was presented. Suggestion to provide the information that was already presented and add the information to the 804 line item on the provided, editable budget spreadsheet.

Slopsema will present at the TB meeting if they have questions at the meeting.

Wages, 703, needs to be amended to match the number of meetings to pay for the recording secretary.

PC to discuss the budget in December to present to the Board in January for their budgeting season. The subject is also on the joint meeting agenda November 9.

7. Joint TB/PC meeting November 9, 7 p.m. agenda items for discussion:
  1. Provide the best redline version that we can on the zoning
  2. When and how to present the budget for 2024/2025
  3. Master Plan update
  4. Anything else related to the PC

Next Regular Meeting October 4, 2023, 7 p.m.

Public Comment:

Denise Peltonen

Commission Discussion/Comments: Mielnik briefly explained the process of the adoption of the Master Plan once the draft is done. Four or more months will be needed for the adoption process. The plan is to have the MP draft complete by the end of the fiscal year. Adoption time and expenses will be in the next fiscal year with unknown expenses that will happen, such as additional professional services, printing, public notices and public hearings.

The plan is to have the zoning ordinance draft and the master plan ready, the deliverables, by the end of the fiscal year.

Adjournment: 8:51 p.m.

Respectfully Submitted

Lois MacLean,

Recording Secretary



# **WHITEWATER TOWNSHIP ZONING ORDINANCE**

**WORKING DRAFT**

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# **ARTICLE 1 - TITLE, PURPOSE, SCOPE**

## **1.01 SHORT TITLE**

This Ordinance shall be known and cited as the Whitewater Township Zoning Ordinance, and will be referred to herein as "this Ordinance."

## **1.02 PURPOSE**

The fundamental purpose of this Ordinance is to promote the health, safety, and general welfare of the inhabitants of the Township by:

- (A) Promoting the orderly development of the Township.
- (B) Encouraging the use of lands and resources of the Township in accordance with their character and adaptability.
- (C) Securing safety from fire and other dangers and providing for safety in traffic, adequacy of parking and reduction in hazards to life and property.
- (D) Facilitating the development of adequate systems of fire protection, education, recreation, water supplies and sanitary facilities.
- (E) Conserving the use of public funds for public improvement and services to conform with the most advantageous use of lands, properties and resources of the Township.
- (F) Protecting fish and wildlife resources, water quality, scenic and aesthetic qualities, historical and recreational values.
- (G) Preventing flood damages due to interference with natural drainage characteristics of rivers and streams.
- (H) Promoting the economic progress of the Township and protecting and enhancing the property values thereof.

## **1.03 SCOPE**

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of law or ordinance, except as hereinafter specifically repealed, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant or deed; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such private restrictions, the provisions of this Ordinance shall control.

## **1.04 SPLITTING LOTS WITHIN A RECORDED SUBDIVISION**

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the standard of the district in which it exists.

## **1.05 RULES OF INTERPRETATION**

The following rules are intended to clarify the intent of the standards within this Ordinance. The following shall apply, except when clearly indicated otherwise:

- (A) Terms not defined shall be assumed to have the customary meaning assigned them.
- (B) Any interpretation of this Ordinance shall be defined by the Whitewater Township Zoning Board of Appeals.
- (C) The particular shall control the general.
- (D) The word "shall" is always mandatory and never discretionary. The word "may" is permissive.

- (E) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (F) Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events, the terms "and," "or," "either ... or," such conjunction shall be interpreted as follows:
- (G) "And" denotes that all the items, conditions, provisions or events apply in combination.
- (H) "Or" indicates that the items, conditions, provisions or events may apply individually or in any combination.
- (I) "Township" shall refer specifically to "Whitewater Township."
- (J) The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

## **1.06 SEVERABILITY CLAUSE**

If any clause, sentence, subsentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect. Impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subsentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

## **1.07 REPEAL**

All zoning ordinances and amendments, or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

## **1.08 EFFECTIVE DATE**

This Ordinance and any amendments shall take effect pursuant to **Article XX**, and Public Act 110 of 2006 as amended and upon passage by Township Board.

## ARTICLE 2 - DEFINITIONS

### 2.01 DEFINITIONS

For the purposes of this ordinance, the following definitions apply.

**ACCESSORY BUILDING:** A supplemental building or structure located on the same lot as the primary building or where a primary use is being established.

**ACCESSORY USE:** A use naturally incident to and subordinate to the main use of the land or building.

**ADULT FOSTER CARE FACILITIES:** A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. Subject to Michigan Public Act 218 of 1979 as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, childcaring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to an adult correctional institution, and any other use excluded under Act 218 of 1979 as amended.

**AGRICULTURAL COOLING PAD:** The area and its related equipment where crops, cherries in particular, are collected, temporarily stored, and rinsed with water to lower the temperature and prepare the crop for transport and processing.

**AGRICULTURAL PREMISES:** A premises used or occupied for the cultivation of field crops, truck crops, nurseries, orchards, greenhouses, woodlots, pastures, husbandry of livestock, poultry or small animals, or any activities of a similar nature.

**AGRICULTURAL STAGING AREA:** An area where trucks, transport equipment, harvesting coordination, and assembly and loading of agricultural products takes place related to the logistics of harvesting and transporting agricultural crops.

**BED AND BREAKFAST:** A single family residential structure that meets all of the following criteria:

- Has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.
- Serves meals at no extra cost to its transient tenants.
- Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

**BILLBOARD:** A sign structure generally available for lease or rent, although sometimes owned by the user, intended to support an off-premises business. Commercial Outdoor Advertising and Outdoor Advertising are other terms commonly applied to larger billboards.

**BUILDING:** A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

**BUILDING COVERAGE:** The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a permanent foundation on a lot.

**BUILDING FOOTPRINT:** The area of land occupied by the foundation of a building and does not include appurtenances like decks unless they are on a permanent foundation.

**BUILDING HEIGHT:** The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the highest finished grade at the building wall.

**BUFFER STRIP:** A strip of land reserved or used for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often required between properties in different zoning districts.

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

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

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

**CONDOMINIUM CONVERSION:** Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership. A condominium conversion also refers to a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act 59 of 1978.

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

**CONDOMINIUM PROJECT:** A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978). The term "condominium project" is also defined as being synonymous with term "condominium development" herein.

**COMMERCIAL PREMISES:** A premises used or occupied for transportation, retail sales or service businesses, wholesale sales facilities, apartments, hotels, motels, or commercial recreation.

**COMMUNITY IMPACT STATEMENT:** An assessment of the developmental, ecological, social, economic and physical impacts of a project on the natural environment and the physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the Community Impact Statement.

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

**CUL-DE-SAC:** A circular vehicular turn-around at the end of a private road or easement.

**DEED RESTRICTION:** A restriction on a property that is recorded as part of a deed with the County Register of Deeds. A deed restriction is binding on subsequent owners and enforced by the parties to the agreement.

**DOMESTIC PETS:** Dogs, cats and other animals customarily housed within a dwelling.

## **ARTICLE 2 – DEFINITIONS**

**DWELLING:** Any building or structure or portion thereof legally occupied as the home, residence, or sleeping place of one or more persons.

**MULTIPLE FAMILY DWELLING:** A building, structure, or portion thereof used or designed as a residence for three (3) or more families living independently of each other and independently doing their own cooking in said building. This definition includes three-family houses, four-family houses and apartments, but does not include trailer camps or mobile home parks.

**SINGLE FAMILY DWELLING:** A building, structure, or portion thereof containing not more than one dwelling unit designed for residential use and attached to a permanent foundation, except where hereinafter exempt.

**TEMPORARY DWELLING:** A building, structure, or portion thereof that is intended to be used on a temporary basis, has some of the facilities of a conventional dwelling, and is used in conjunction with the construction of a permanent residence.

**TWO FAMILY DWELLING:** A building, structure, or portion thereof designed for or occupied exclusively by two families living independently of each other and attached to a permanent foundation, except where hereinafter exempt.

**EASEMENT:** A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

**EQUIPMENT:** Tangible property, excluding land, buildings, and vehicles, that is used in the operations of a business or completion of a task.

**EXISTING BUILDING:** A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

**EXISTING USE:** A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

**FARM MARKET –** A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the market. Fresh products as well as processed products may be sold at the farm market. At least 50percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

**FENCE:** A fence is a structure usually constructed from posts that are connected by boards, wire, rails or netting enclosing an area of ground to mark a boundary, control access, prevent escape, or provide a decorative feature.

**FLOOR AREA:** The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.

**GREENBELT:** An area of grass, trees and other natural vegetation between a structure or parking area

## **ARTICLE 2 – DEFINITIONS**

and a public thoroughfare.

**HAMMERHEAD TURNAROUND:** A T-shaped vehicular turnaround at the end of a road or easement.

**HAZARDOUS SUBSTANCES AND POLLUTING MATERIALS:** Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U.S. Environmental Protection Agency, and hazardous materials as defined by the U.S. Department of Transportation.

**HIGHWAY:** Any public thoroughfare in Whitewater Township, including federal and state roads and highways.

**HOME OCCUPATIONS:** An occupation or business activity located within a residential dwelling or in an accessory building which is clearly subordinate to the principal residential use.

**IMPLEMENT:** A tool or an instrument used in doing work.

**INSTITUTIONAL PREMISES:** Shall be interpreted to include such premises or portions thereof upon which is situated a public utility or other publicly owned, operated, or administered facility, any public, private or commercial vocational school, a cultural facility, including a museum, library or auditorium, or a religious or charitable facility.

**LAND DIVISION:** Creation of a new lot or parcel.

**LOT:** A parcel of land separated from other parcels of land by description on a recorded plat or by metes-and-bounds description which meets the requirements of this Ordinance, a condominium unit in a site condominium which meets the requirements of this Ordinance, a common area or element in a condominium project, a condominium unit.

**CORNER LOT:** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. Corner lots, for the purpose of setbacks, shall have two front lot lines and two side lot lines.

**INTERIOR LOT:** A lot which has only one lot line or portion thereof fronting on a street.

**LOT AREA:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of any public or private road right-of-way adjoining any portion of the lot. Lot area is also defined as only including land unbroken by any road, street, or thoroughfare.

**LOT DEPTH:** The average horizontal distance between the front and rear lot lines, measured along the average midpoint between side lot lines.

**LOT FRONTAGE:** The length of the front lot line.

**LOT OF RECORD:** A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Grand Traverse County, Michigan; or a tract of land described by metes-and-bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.

**LOT WIDTH:** The horizontal distance between side lot lines measured at the required front setback.

## **ARTICLE 2 – DEFINITIONS**



**NONCONFORMING LOT:** A lot of record which does not meet the requirements of this Ordinance.

**THROUGH LOT** (also called a double frontage lot): An interior lot having frontage on two (2) more or less parallel streets.

**LOT LINES:** The property lines bounding a lot or parcel.

**FRONT LOT LINE:** The line separating a lot from any street right-of-way, private road or other access easement. In the case of a waterfront lot, the line which fronts on a navigable waterway shall be a front lot line. Corner lots, for the purpose of setbacks, shall have two front lot lines and two side lot lines.

**REAR LOT LINE:** The line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front line.

**SIDE LOT LINE:** Any lot line other than a front or rear lot line.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on or adjacent to a lot line.

**MANAGED VEGETATIVE STRIP:** A natural vegetative area extending along both sides of rivers, streams or watercourses, containing native trees, shrubs and other vegetation and natural materials. The purpose of the managed vegetative strip is to stabilize the river banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading for the stream to maintain cool water temperatures, and screening of adjacent man-made structures.

**MANUFACTURED HOME:** A dwelling unit constructed primarily within a factory in modules or components, which are then transported to a site where they are assembled on a permanent foundation to form a dwelling, and meet all codes and regulations applicable to conventional home construction.

**MASTER DEED:** The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

**MOBILE HOME:** A structure, with a title issued by the State of Michigan, that is approved by the U.S. Department of Housing and Urban Development (HUD), and can be moved in one (1) or more sections, which is built on a chassis and designed as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems. "Mobile home" does not include a recreational vehicle or recreational trailer but shall include HUD housing.

**MOBILE HOME OR MANUFACTURED HOME CONDOMINIUM PROJECT:** A condominium project in which mobile homes or manufactured homes are located upon separate sites which constitute individual condominium units.

**MOBILE HOME PARK, TRAILER COACH PARK, OR PARK:** Any parcel or tract of land under the control of any person, upon which three (3) or more occupied trailer coaches are harbored on a continual basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the harboring or occupancy of trailer coaches; except as provided by Section 91, Public Act 172 of 1970.

**MOBILE HOME SUBDIVISION:** A subdivision approved under the Land Division Act (Public Act 288 of 1967), as amended, which by deed restriction has been designated solely for occupancy by mobile homes, HUD, or similar housing.

**MODULAR HOUSING UNIT:** See Manufactured Home.

**NATURAL FEATURES:** Natural features shall include soils, wetlands, floodplain, water bodies, sand dunes, topography, vegetative cover and geologic formations.

**NONCONFORMING USE:** A use which lawfully occupied a structure or site prior to the effective date of this Ordinance or any amendment thereto, and which does not conform with the current use regulations of the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure lawfully existing prior to the effective date of this Ordinance or any amendment thereto, which does not meet the current zoning ordinance standards for building size or location on a lot for its use and district.

**NUISANCE:** An offensive, annoying, unpleasant, or obnoxious thing or practice, especially when constant or repetitive. A condition which is perceivable and extends its effect upon neighbors across property lines by the generation of excessive noise, odors, trash, abnormal traffic, congregation of people (particularly at night), or other similar conditions.

**ORDINARY HIGH-WATER MARK:** The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

**OUTDOOR DISPLAY AREA:** An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

**OUTDOOR INVENTORY AREA:** A designated outdoor area designed to allow for storage of excess inventory in a manner not visible to the public.

**OUTDOOR SALES AREA:** The display and sale of products and services outside of a building or structure, including vehicles, garden supplies, gas, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and similar materials or items.

**PARCEL:** A lot described by metes and bounds or described in a recorded plat.

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

**PLAT:** A map of a subdivision of land.

**PLOT PLAN:** The documents and drawings normally consisting of a drawing of the subject lot or parcel of land together with an outline drawing of the proposed structure(s) or modification(s), including all porches, extensions and roof overhangs, showing the principal dimensions of the structure(s) and all setback distances measured perpendicular to all lot lines. The documents and drawings shall bear the name, address and telephone number of the landowner and applicant, and the date of the application.

**PREMISES:** A unit of contiguous real property under common ownership.

**PRIMARY or PRINCIPAL BUILDING:** A building which houses the main or principal use of the lot on which it is located. All other buildings are accessory structures.

**PRIMARY OR PRINCIPAL USE:** The main use to which the lot or premises are devoted. For example,

## **ARTICLE 2 – DEFINITIONS**

the main use of a single-family home is residential, and the main use of a retail store is commercial.

**RECREATIONAL PREMISES:** A premises used or occupied for recreational purposes, including parks, play areas, indoor or outdoor swimming pools, bathing beaches, boating and fishing areas, winter recreational areas, nature study areas, community halls and fairgrounds.

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

**SIGN:** Any words, lettering, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, or combination thereof, by which anything is made known, such as the designation of an event, a firm, a profession, a business or product, which are visible from any street or road and used as an outdoor display.

**SIGN STRUCTURE:** A permanent physical structure on a fixed footing, foundation, column or base designed or used for the support and/or illumination of a sign.

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

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

**SITE PLAN:** A plan drawn to scale showing proposed uses and structures for a parcel of land, including any details necessary to illustrate the final proposed use. A site plan may include elements such as the location of lot lines, the location of buildings, open spaces, parking, landscaping, and utility lines.

**SPECIAL USES:** Special uses are those uses which are not essentially incompatible with the uses permitted in a zoning district but require individual review and standards to avoid conflict with adjacent uses of land.

**SPECIAL USE PERMIT:** A permit issued by the Planning Commission following a public hearing which allows a specific activity in and on a property with additional specified requirements or provisions.

**STRUCTURE:** A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, tower, poles, antennae, stand pipes or other like objects, but not including fences.

**VARIANCE:** A variance is a modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals under qualifying circumstances.

**VEHICLE:** A device or structure for transporting persons or things; a conveyance.

**YARD:** The space surrounding a structure.

**FRONT YARD:** The space extending across the full width of the lot between the front of the principal building and the front lot line.

**REAR YARD:** The space extending across the full width of the lot between the back of the

principal building and the rear lot line.

**SIDE YARD:** The space between a principal building and side lot line, extending from the front yard to the rear yard.

**ZONING ADMINISTRATOR (ZA):** The officer and/or his duly appointed deputies, agents, employees and inspectors charged with the administration and enforcement of this Ordinance.

## **ARTICLE 3 - ZONING MAP AND DISTRICTS**

### **3.01 ZONING DISTRICTS ESTABLISHED**

For the purpose of this Ordinance, Whitewater Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

R-1 Residential  
R-2 Residential  
R-3 Residential  
RC- Recreational  
A-1 Agricultural  
C-1 Commercial  
N- Industrial  
V – Village  
COPUD Corridor Overlay PUD  
PUD Planned Unit Development  
MHP Manufactured Home Park

### **3.02 ZONING MAP**

The boundaries of the zoning districts are defined and established on the Official Zoning Map of Whitewater Township which is a part of this Ordinance. This map is identified by the signature of the township supervisor, attested to by the township clerk, and bearing the statement that this is the “Official Zoning Map of Whitewater Township” with an effective date. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map and include the dates of any amendments made thereon.

### **3.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES**

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

- (A) Boundaries indicated as approximately following roads or highways shall be construed as following the right-of-way center lines of said roads or highways.
- (B) Boundaries indicated as approximately following section lines, quarter-section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
- (C) Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
- (D) Boundaries indicated as approximately following railroad lines shall be considered midway between the main tracks.
- (E) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as parallel thereto and at such distance as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by using the scale shown on the Official Zoning Map.
- (F) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of a change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams,

- canals, or other bodies of water shall be construed to follow such threads.
- (G) Where the application of the aforesaid rules leaves reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern.

## ARTICLE 4 - USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS

### 4.01 ZONING DISTRICT REGULATIONS

Except as may otherwise be provided in this ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building, and structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance applicable in the zoning district in which such use, building, or structure is located.

### 4.02 PRINCIPAL USE REGULATIONS

This Article identifies the principal land uses permitted in each of the zoning districts. No land use shall be established on a lot or parcel except in conformance with the use regulations provided herein. In order to minimize potential land use conflicts and advance other purposes as described in Article I, land uses permitted in a particular Zoning District are defined as being a "Use Permitted by Right" or a "Special Land Use" as described hereunder.

- (A) **Uses Permitted by Right:** Uses permitted by right are the primary uses and structures specified for which the district has been established. The Zoning Administrator may approve proposed uses and related structures if all other development standards and requirements contained in this ordinance are met
- (B) **Special Land Uses:** Special land uses are uses and structures generally regarded as reasonably compatible with the uses permitted by right in a zoning district but could also present potential land use conflicts or are otherwise unique in character. According to Article XX, such special uses require special consideration concerning potential impacts on adjacent properties and the Township as a whole.

### 4.03 ACCESSORY USE REGULATIONS

Accessory uses are incidental to and customarily associated with the principal use of the property, are permitted in all Districts, and shall conform to all applicable standards of this Ordinance (See Section XX).

### 4.04 RESIDENTIAL R-1 – INTENT

It is the intent of the Residential District R-1 to provide a dedicated space for residential structures, specifically Single-Family Dwellings, and the structures and uses typically associated with a residential area.

- (A) R-1 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. Single-Family Dwellings,</li> <li>2. Publicly owned and operated parks and recreational facilities.</li> <li>3. The keeping of animals for home use and enjoyment subject to all applicable requirements of (Section X.X)</li> <li>4. Adult foster care facilities serving 6 or less individuals.</li> <li>5. Family day-care homes serving 6 or less individuals.</li> <li>6. Churches with a building footprint less than 5,000 square feet.</li> <li>7. Home occupations subject to the requirements of (Section X.X)</li> <li>8. Accessory buildings and uses customarily incidental to the same (See Section X.X).</li> </ol>	<ol style="list-style-type: none"> <li>1. Bed and Breakfast Establishments.</li> <li>2. Schools.</li> <li>3. The keeping, breeding or training of dogs for monetary gain or for profit, subject to all applicable requirements of Article X.X</li> <li>4. Adult foster care facilities serving more than 6 individuals.</li> <li>5. Family day-care homes serving more than 6 individuals.</li> <li>6. Group day-care homes serving more than 6 individuals.</li> <li>7. Churches with a building footprint that is 5,000 square feet or more.</li> <li>8. Planned Unit Developments.</li> </ol>

#### 4.05 RESIDENTIAL R-2 – INTENT

It is the intent of the Residential District R2 to provide a dedicated space for residential structures, specifically, single and two-family dwellings, and accessory structures incidental thereto.

##### (A) R-2 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted by right in the Residential District R-1.</li> <li>2. Two-family dwellings.</li> <li>3. Schools.</li> <li>4. Farming of all types, subject to the requirements of (Section X.X)</li> <li>5. Libraries.</li> </ol>	<ol style="list-style-type: none"> <li>1. All special uses permitted and as regulated in the Residential District R-1.</li> <li>2. Planned Unit Developments.</li> <li>3. Residential Care Facilities, Convalescent or Nursing Homes.</li> </ol>

#### 4.06 RESIDENTIAL R-3 – INTENT

It is the intent of the Residential District R-3 to provide a dedicated space for residential structures, specifically multi-family dwellings, townhouses, apartments, and other compatible uses.

##### (A) R-3 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted by right in Residential District R-2.</li> </ol>	<ol style="list-style-type: none"> <li>2. All special uses permitted and as regulated in the Residential District R-2.</li> <li>3. Multi-family dwellings such as townhouses and apartments.</li> </ol>

#### 4.07 COMMERCIAL C – INTENT

The purpose of the Commercial C District is to provide a location for a diversity of small and moderate scale business types and is situated along a regional arterial roadway, M-72, to serve local passers-by traffic and local needs.

##### (A) C Use Regulations



Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted in Residential District R1, R2.</li> <li>2. Restaurants, bakeries, coffee shops, and diners.</li> <li>3. Office buildings and uses such as: accountants, legal services, medical, dental, and physical therapy offices.</li> <li>4. Financial institutions.</li> <li>5. Retail stores and shops; food, drug, variety, dry goods, clothing, music, hardware, equipment, and other similar light retail uses.</li> <li>6. Equipment, tool, and event rental establishments.</li> <li>7. Personal service establishments which perform services on the premises, such as: barber and beauty shops, shoe repairs, business services, printing, publishing, and related trades.</li> <li>8. Places of public assembly, religious, civic, and social facilities not operated for profit and facilities customarily incidental thereto.</li> <li>9. Licensed daycare facilities.</li> <li>10. Assisted living, extended care, and licensed group home facilities.</li> <li>11. Essential service, including public utility buildings with outside storage.</li> </ol>	<ol style="list-style-type: none"> <li>1. Any permitted use located in a building with a building footprint of 10,000 square feet or more, includes drive-through services, offers live entertainment, or serves alcoholic beverages.</li> <li>2. Retail sales and/or rental of automobiles, watercraft, farming equipment, or recreational equipment, including servicing, repair, and/or storing vehicles.</li> <li>3. Fuel and oil service stations.</li> <li>4. Hotels and motels.</li> <li>5. Dwelling units that are part of a commercial unit, such as second-story "flats" or apartment units.</li> <li>6. Multi-family dwellings.</li> <li>7. Laundry and dry-cleaning establishments.</li> <li>8. Indoor and outdoor recreational facilities (e.g., miniature golf or athletic clubs).</li> <li>9. Production, processing, assembly, manufacturing or packaging of goods or materials. Such facilities may include testing, repair, storage, distribution, and sale of such products.</li> <li>10. Schools licensed or chartered by the State of Michigan and private educational institutions.</li> <li>11. Funeral homes.</li> <li>12. Veterinary clinics, veterinary hospitals, and related kennel facilities.</li> <li>13. Carpentry, plumbing, contracting, and other skilled trades.</li> <li>14. Rental storage building, with the following conditions included in the rental contracts and posted on the premises: Excluding storage of flammable liquids or gases, explosives or toxic materials.</li> <li>15. Places of public assembly, event venues, and social facilities operated for profit.</li> <li>16. Sexually oriented businesses.</li> <li>17. Billboards subject to the standards of <b>Article XX</b></li> <li>18. Any other use of a retail commercial nature designed primarily to serve the residents of the area and the traveling public.</li> </ol>

#### 4.08 VILLAGE DISTRICT V – INTENT

The purpose of the Village District is to maintain and enhance the traditional character of the Village of Williamsburg while allowing it to develop in a manner that follows the historic pattern of rural villages in the Grand Traverse Region.

(B) V Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"><li>1. All uses allowed in the R1, R2, R3, and C Districts in buildings with a building footprint that is less than 5,000 square feet</li><li>2. Apartments and offices located above commercial uses in mixed-use buildings with a building footprint that is less than 5,000 square feet.</li></ol>	<ol style="list-style-type: none"><li>1. Permitted Uses allowed in the R1, R2, R3, and C districts in buildings with a building footprint of 5,000 square feet or more.</li><li>2. Any use in a building which exceeds 5,000 square feet, and any use which includes drive-through services, and any use offering live entertainment.,</li></ol>

#### 4.09 INDUSTRIAL DISTRICT N - INTENT

It is the intent of the Industrial District to provide a dedicated location to accommodate the potential noise, outdoor storage, and increased commercial traffic common to wholesale sales and light manufacturing facilities.

A) N Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"><li>1. All uses permitted and as regulated within the Commercial, Village, and Residential Districts.</li><li>2. Wholesale warehouses.</li><li>3. Storage warehouses.</li><li>4. Outside storage of earth moving and similar large equipment.</li><li>5. Billboards, subject to the standards of <b>Section X.X</b></li></ol>	<ol style="list-style-type: none"><li>1. Industry or business, the operation of which uses any product or by-product or other thing which may cause contamination to the water, air, or land of the area unless adequate provision is made for the disposition of such product, by-product or waste which meets the approval of the Planning Commission and shall not be offensive, objectionable, or in any way endanger public health, safety or welfare.</li><li>2. Junk, scrap metal, or salvage yards.</li><li>3. Stock yards, slaughterhouses, rendering plants, meat or pelt processing establishments.</li><li>4. Establishments primarily engaged in heavy industry such as smelters, foundries, heavy industrial stamping operations.</li><li>5. Any similar business or operation offensive or objectionable to public health, safety, or welfare.</li><li>6. All special uses permitted within the Commercial, Village, and Residential Districts.</li></ol>

#### 4.10 AGRICULTURAL A-1 – INTENT

The intent of the Agricultural District is to define areas where farming and related activities is the predominant land use.

(A) A-1 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
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<ol style="list-style-type: none"> <li>1. All uses permitted and as regulated in Residential District R- 2</li> <li>2. Farming of all types, including the construction and maintenance of migrant worker's quarters.</li> <li>3. Golf courses.</li> <li>4. Riding academies and stables, veterinarian hospitals and kennels.</li> <li>5. Roadside stands for the sale of fresh or processed fruits and vegetables, grown or produced on said property.</li> <li>5. Farm Market</li> <li>6. Agricultural dumps. (See Section XX)</li> <li>7. Private Family Campgrounds (See Section XX)</li> </ol>	<ol style="list-style-type: none"> <li>1. Commercial Campgrounds (See Section XX)</li> </ol>
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#### 4.11 RECREATIONAL RC-1– INTENT

The intent of the RC-1 Recreational District is to define areas where outdoor recreation and low-density residential uses are the predominant land use.

##### (A) RC-1 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted and as regulated in Residential District R- 2.</li> <li>2. Bed and breakfast establishments providing tourist/vacation accommodations.</li> <li>3. Private Family Campgrounds (See Section XX)</li> <li>4. Riding academies and stables, veterinarian hospitals and kennels</li> <li>5. Hydro-electric plants.</li> <li>6. State-owned conservation lands.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planned Unit Developments.</li> <li>2. Commercial Campgrounds (See Section XX)</li> </ol>

#### 4.12 PRIMARY DIMENSIONAL REQUIREMENTS

Table 4-1 contains primary dimensional requirements for each zoning district. These requirements express required spatial relationships between buildings and parcels of land, such as setbacks, lot area, and building height.

**TABLE 4-1 PRIMARY DIMENSIONAL REQUIREMENTS**

Zoning District	Min. Lot Width (ft.)	Min. Lot Area (sq. ft.)	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Building Height (ft.)	Max. Building Coverage (%)	Min. Width: Max. Depth Ratio	Min. Dwelling Floor Area- each Dwelling (Sq. Ft.)
<b>R-1</b>	100	20,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>R-2 Single Family</b>	100	12,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>R-2 Two Family</b>	120	22,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>R-3 Single Family</b>	100	12,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	-(9)	1:4	700
<b>R-3 Multi-Family</b>	120	11,000 per dwelling unit	30 <sup>(3)</sup> (8)	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>A-1</b>	200	40,000	30 <sup>(3)</sup> (5)	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>		1:4	700
<b>RC-1</b>	300	5 Ac.	30 <sup>(3)</sup> (6)	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>		1:4	700
<b>C-1</b>	100	-	50 <sup>(3)</sup> (7) (8)	10 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	40% (9)		700
<b>V – With common sewage disposal or water supply.</b>	80	20,000	0 <sup>(2)</sup> (3)	10 <sup>(3)</sup>	15 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>V - With common sewage disposal and water supply</b>	50	8,000	0 <sup>(2)</sup> (3)	10 <sup>(3)</sup>	15 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>V - Without common water supply or sewage disposal</b>	100	40,000	0 <sup>(2)</sup> (3)	10 <sup>(3)</sup>	15 <sup>(3)</sup>	35 <sup>(1)</sup>	-	1:4	700
<b>N</b>	100	-	50 <sup>(3)</sup>	Total 30%, but not less than 15 ft. <sup>(3,8)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	40% (9)	1:4	700
<b>MHP</b>	300	17 Ac.				35 <sup>(1)</sup>			700
<b>LOTS WITH FRONTAGE ON THE BOARDMAN RIVER OR TRIBUTARIES</b>									
1. In no case shall a lot having frontage on the Boardman River or its tributaries be less 200 feet wide at the ordinary high-water mark, or have a lot depth of less than 200 feet.									
2. No structure shall be built within 100 feet of the ordinary high-water mark of the Boardman River or its tributaries.									
<b>FRONTAGE ON ALL OTHER LAKES AND STREAMS</b>									
1. No structure shall be built within 50 feet of the ordinary high-water mark of all other Lakes and Streams.									
<b>ENCLOSURES/STRUCTURES FOR LIVESTOCK, DOMESTIC ANIMALS (EXCEPT HOUSE PETS)</b>									
1. All enclosures/structures for livestock, domestic animals (except house pets) shall be located on a lot that is no less than 2 ½ acres and may not be located closer than 100 feet from any lot line.									

**Footnotes**

<sup>(1)</sup> or 2 1/2 stories above grade (whichever is less)

<sup>(2)</sup> New buildings shall be constructed so that their front facades are in one of the following locations:

**ARTICLE 4 – USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS**

- a. The same distance from the road as any adjacent principal building (on the same side of the road) within 100 feet, or
  - b. The average distance from the road of both adjacent principal buildings (on the same side of the road) if within 100 feet, or
  - c. If no principal buildings are within 100 feet on the same side of the road, the front setback shall be 15 or more feet from the front lot line or such other distance as the Planning Commission may approve by site plan review.
- (3) No structure shall be built within the minimum yards required except when expressly allowed elsewhere in this Ordinance.
- (4) A dock may be constructed parallel to the bank, not exceeding ten (10) feet in length
- (5) When a lot has frontage on M-72 in the A-1 Zone, the required front yard setback is 100 feet.
- (6) When a lot has frontage on Supply Road, the required front yard setback is 150 feet.
- (7) When a lot has frontage on Old 72 in the C-1 Zone, the required front yard setback is 30 feet.
- (8) When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required front yard is 75 feet.
- (9) When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the maximum building coverage is 33%

~~When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required lot width is 100 feet.~~

~~When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required rear yard 30 feet.~~

~~When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required minimum width to depth ratio is 4:40~~

# **WHITEWATER TOWNSHIP ZONING ORDINANCE**

**WORKING DRAFT**

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# ARTICLE 1 - TITLE, PURPOSE, SCOPE

## 1.01 SHORT TITLE

This Ordinance shall be known and cited as the Whitewater Township Zoning Ordinance, and will be referred to herein as "this Ordinance."

Commented [RM1]: Same as Article 1, Section 1.00

Deleted: .

## 1.02 PURPOSE

The fundamental purpose of this Ordinance is to promote the health, safety, and general welfare of the inhabitants of the Township by:

Commented [RM2]: Same as Article II Section 2.10

- (A) Promoting the orderly development of the Township.
- (B) Encouraging the use of lands and resources of the Township in accordance with their character and adaptability.
- (C) Securing safety from fire and other dangers and providing for safety in traffic, adequacy of parking and reduction in hazards to life and property.
- (D) Facilitating the development of adequate systems of fire protection, education, recreation, water supplies and sanitary facilities.
- (E) Conserving the use of public funds for public improvement and services to conform with the most advantageous use of lands, properties and resources of the Township.
- (F) Protecting fish and wildlife resources, water quality, scenic and aesthetic qualities, historical and recreational values.
- (G) Preventing flood damages due to interference with natural drainage characteristics of rivers and streams.
- (H) Promoting the economic progress of the Township and protecting and enhancing the property values thereof.

## 1.03 SCOPE

It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of law or ordinance, except as hereinafter specifically repealed, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law, relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant or deed; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such private restrictions, the provisions of this Ordinance shall control.

Commented [RM3]: Same as Article II Section 2.11

## 1.04 SPLITTING LOTS WITHIN A RECORDED SUBDIVISION

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the standard of the district in which it exists.

Commented [RM4]: Same as Article II, Section 2.12. Except changed the title to read Splitting Lots Within a Recorded Subdivision, rather than "Splitting Lots With Recorded Subdivisions" Also, I deleted the last sentence as the Land Division Ord. should control

Deleted: The township may permit the partitioning of land into not more than four (4) parts.

## 1.05 RULES OF INTERPRETATION

The following rules are intended to clarify the intent of the standards within this Ordinance. The following shall apply, except when clearly indicated otherwise:

Commented [RM5]: Same as Article II, Section 2.13

- (A) Terms not defined shall be assumed to have the customary meaning assigned them.
- (B) Any interpretation of this Ordinance shall be defined by the Whitewater Township Zoning Board of Appeals.
- (C) The particular shall control the general.
- (D) The word "shall" is always mandatory and never discretionary. The word "may" is permissive.



- (E) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- (F) Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events, the terms "and," "or," "either ... or," such conjunction shall be interpreted as follows:
- (G) "And" denotes that all the items, conditions, provisions or events apply in combination.
- (H) "Or" indicates that the items, conditions, provisions or events may apply individually or in any combination.
- (I) "Township" shall refer specifically to "Whitewater Township."
- (J) The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

#### 1.06 SEVERABILITY CLAUSE

If any clause, sentence, subsentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect. Impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subsentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

**Commented [RM6]:** This existing clause is in Article XX, Section 20.10. It is more common to place such general provisions at the beginning of the Zoning Ordinance rather than in the middle.

#### 1.07 REPEAL

All zoning ordinances and amendments, or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

**Commented [RM7]:** Article XXIII contains one section regarding the repeal of the prior Interim Zoning Ordinance. A broader repeal clause is needed here in Article 1. Section 23.10 is removed

#### 1.08 EFFECTIVE DATE

This Ordinance and any amendments shall take effect pursuant to [Article XX](#), and Public Act 110 of 2006 as amended and upon passage by Township Board.

**Commented [RM8]:** Article XXII, Section 22.10 contains the statement that... "This Ordinance shall take immediate effect upon passage by the Township Board." This section is inconsistent with MZEA, and it needs to be corrected. Section 22.10 is to be removed The green text will be a hyperlink later.

## ARTICLE 2 - DEFINITIONS

### 2.01 DEFINITIONS

For the purposes of this ordinance, the following definitions apply.

**ACCESSORY BUILDING:** A supplemental building or structure located on the same lot as the primary building or where a primary use is being established.

**ACCESSORY USE:** A use naturally incident to and subordinate to the main use of the land or building.

**ADULT FOSTER CARE FACILITIES:** A governmental or nongovernmental establishment having as its principal function the receiving of adults for foster care. Subject to Michigan Public Act 218 of 1979 as amended, adult foster care facilities include facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, home for the aged, hospital, hospital for the mentally ill, facility for the developmentally disabled, county infirmary, childcaring institution, an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to an adult correctional institution, and any other use excluded under Act 218 of 1979 as amended.

**AGRICULTURAL COOLING PAD:** The area and its related equipment where crops, cherries in particular, are collected, temporarily stored, and rinsed with water to lower the temperature and prepare the crop for transport and processing.

**AGRICULTURAL PREMISES:** A premises used or occupied for the cultivation of field crops, truck crops, nurseries, orchards, greenhouses, woodlots, pastures, husbandry of livestock, poultry or small animals, or any activities of a similar nature.

**AGRICULTURAL STAGING AREA:** An area where trucks, transport equipment, harvesting coordination, and assembly and loading of agricultural products takes place related to the logistics of harvesting and transporting agricultural crops.

**BED AND BREAKFAST:** A single family residential structure that meets all of the following criteria:

- Has 10 or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, 1 or more of which are available for rent to transient tenants.
- Serves meals at no extra cost to its transient tenants.
- Has a smoke detector in proper working order in each sleeping room and a fire extinguisher in proper working order on each floor.

**BILLBOARD:** A sign structure generally available for lease or rent, although sometimes owned by the user, intended to support an off-premises business. Commercial Outdoor Advertising and Outdoor Advertising are other terms commonly applied to larger billboards.

**BUILDING:** A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.

**BUILDING COVERAGE:** The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a permanent foundation on a lot.

**BUILDING FOOTPRINT:** The area of land occupied by the foundation of a building and does not include appurtenances like decks unless they are on a permanent foundation.

**Commented [RM9]:** New Definition. Adult Foster Care Facilities are allowed in Res Districts – but a definition is missing. The Michigan Zoning Enabling Act (125.3206) requires that AFC homes (a state-licensed residential facility) be treated as a residential use of property for the purposes of zoning and a permitted use in all residential zones.

**Deleted:** BED AND BREAKFAST ESTABLISHMENT: A private residential dwelling in which the owner provides overnight accommodations and breakfast to transient guest for compensation.¶

**Commented [RM10]:** Better to use MCL Definition 125.1504b for a B&B. It is much more specific and clearer

**Commented [RM11]:** Note – all Signage definitions and regulations must be reviewed according to Reed/Gilbert. This should be done after this Zoning Clarification Project.

**Commented [RM12]:** Need a definition for Building Coverage to support Section 12.11. Building Coverage is not the same as building footprint. Building Coverage applies to all buildings on a lot. "Building Footprint" refers to a single building.

**Commented [RM13]:** Removed the term "Footprint" (later in the definitions) and replaced it with "Building Footprint." The term "Building Footprint" is used in Table 12.11 currently.

**BUILDING HEIGHT:** The building height is the vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the highest finished grade at the building wall.

**BUFFER STRIP:** A strip of land reserved or used for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often required between properties in different zoning districts.

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

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

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

**CONDOMINIUM CONVERSION:** Any property or group of properties whose form of ownership is changed to condominium units from another form of ownership. A condominium conversion also refers to a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under section 71 of the Condominium Act 59 of 1978.

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

**CONDOMINIUM PROJECT:** A plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Public Act 59 of 1978). The term "condominium project" is also defined as being synonymous with term "condominium development" herein.

**COMMERCIAL PREMISES:** A premises used or occupied for transportation, retail sales or service businesses, wholesale sales facilities, apartments, hotels, motels, or commercial recreation.

**COMMUNITY IMPACT STATEMENT:** An assessment of the developmental, ecological, social, economic and physical impacts of a project on the natural environment and the physical improvements on and surrounding the development site. Information required for compliance with other ordinances shall not be required to be duplicated in the Community Impact Statement.

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

**CUL-DE-SAC:** A circular vehicular turn-around at the end of a private road or easement.

**DEED RESTRICTION:** A restriction on a property that is recorded as part of a deed with the County Register of Deeds. A deed restriction is binding on subsequent owners and enforced by the parties to the agreement.

**DOMESTIC PETS:** Dogs, cats and other animals customarily housed within a dwelling.

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

**Commented [RM14]:** Definitions for condominium project and conversion were updated in Amendment #86. These amendments are part of the ZO now – but are shown as changes as they differ from the printed ZO the P C members have.

**DWELLING:** Any building or structure or portion thereof legally occupied as the home, residence, or sleeping place of one or more persons.

**MULTIPLE FAMILY DWELLING:** A building, structure, or portion thereof used or designed as a residence for three (3) or more families living independently of each other and independently doing their own cooking in said building. This definition includes three-family houses, four-family houses and apartments, but does not include trailer camps or mobile home parks.

**SINGLE FAMILY DWELLING:** A building, structure, or portion thereof containing not more than one dwelling unit designed for residential use and attached to a permanent foundation, except where hereinafter exempt.

**TEMPORARY DWELLING:** A building, structure, or portion thereof that is intended to be used on a temporary basis, has some of the facilities of a conventional dwelling, and is used in conjunction with the construction of a permanent residence.

**TWO FAMILY DWELLING:** A building, structure, or portion thereof designed for or occupied exclusively by two families living independently of each other and attached to a permanent foundation, except where hereinafter exempt.

**EASEMENT:** A grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

**EQUIPMENT:** Tangible property, excluding land, buildings, and vehicles, that is used in the operations of a business or completion of a task.

**EXISTING BUILDING:** A building existing or for which the foundations are in place or upon which there has been substantial work done prior to the effective date of this Ordinance or any amendment thereto.

**EXISTING USE:** A use of premises or buildings or structures actually in operation, openly, visibly and notoriously prior to the effective date of this Ordinance or any amendment thereto.

**FARM MARKET** – A farm market is a year-round or seasonal location where transactions and marketing activities between farm market operators and customers take place. A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market does not have to be a physical structure. The farm market must be located on property owned or controlled (e.g., leased) by the producer of the products offered for sale at the market. Fresh products as well as processed products may be sold at the farm market. At least 50 percent of the products offered must be produced on and by the affiliated farm measured by retail floor space during peak production season, or 50 percent of the average gross sales for up to the previous five years or as outlined in a business plan. Processed products will be considered as produced on and by the farm if at least 50 percent of the product's primary or namesake ingredient was produced on and by the farm, such as apples used in apple pie, maple sap in maple syrup, strawberries in strawberry jam, etc.

**FENCE:** A fence is a structure usually constructed from posts that are connected by boards, wire, rails or netting enclosing an area of ground to mark a boundary, control access, prevent escape, or provide a decorative feature.

**FLOOR AREA:** The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.

**GREENBELT:** An area of grass, trees and other natural vegetation between a structure or parking area

**Commented [RM15]:** A new definition was added to relate to Farm Stand in A-1. This term is defined in the Michigan Commission of Agriculture & Rural Development GAAMPS. The term Roadside stand is also used in A-1 (however it is not defined).

Suggest that we add this definition to be consistent with the GAAMPS for Farm Markets and revisit it later to sort out the need to define Farm Markets and Roadside Stands separately.

**Deleted: ¶**  
**FENCE, RESIDENTIAL STANDARDS: ¶**

1. Fences shall have the finished side facing outward away from the property in which it is located.¶
2. No fence shall be erected within the 50-foot setback of any lakes, rivers, streams.¶
3. Fences shall not exceed a height of 6 feet.¶
4. Prohibited fences include barbed wire, electric charges, or fences with sharp materials located on top.¶

**¶**  
**FOOTPRINT:** The area of land occupied by the foundation of a building and does not include appurtenances like decks unless they are on a permanent foundation.¶

**Commented [RM18]:** Added a new definition for Floor Area. Floor Area and Building Footprint are different measurements. Floor area is referenced in Article 12

and a public thoroughfare.

**HAMMERHEAD TURNAROUND:** A T-shaped vehicular turnaround at the end of a road or easement.

**HAZARDOUS SUBSTANCES AND POLLUTING MATERIALS:** Hazardous substances and polluting materials shall mean hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshal Division; critical materials, polluting materials and hazardous waste as defined by the Michigan Department of Natural Resources; hazardous substances as defined by the U.S. Environmental Protection Agency, and hazardous materials as defined by the U.S. Department of Transportation.

**HIGHWAY:** Any public thoroughfare in Whitewater Township, including federal and state roads and highways.

**HOME OCCUPATIONS:** An occupation or business activity located within a residential dwelling or in an accessory building which is clearly subordinate to the principal residential use.

**IMPLEMENT:** A tool or an instrument used in doing work.

**INSTITUTIONAL PREMISES:** Shall be interpreted to include such premises or portions thereof upon which is situated a public utility or other publicly owned, operated, or administered facility, any public, private or commercial vocational school, a cultural facility, including a museum, library or auditorium, or a religious or charitable facility.

**LAND DIVISION:** Creation of a new lot or parcel.

**LOT:** A parcel of land separated from other parcels of land by description on a recorded plat or by metes-and-bounds description which meets the requirements of this Ordinance, a condominium unit in a site condominium which meets the requirements of this Ordinance, a common area or element in a condominium project, a condominium unit.

**CORNER LOT:** Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. Corner lots, for the purpose of setbacks, shall have two front lot lines and two side lot lines.

**INTERIOR LOT:** A lot which has only one lot line or portion thereof fronting on a street.

**LOT AREA:** The area of the horizontal plane within the lot lines of a lot, exclusive of the area of any public or private road right-of-way adjoining any portion of the lot. Lot area is also defined as only including land unbroken by any road, street, or thoroughfare.

**LOT DEPTH:** The average horizontal distance between the front and rear lot lines, measured along the average midpoint between side lot lines.

**LOT FRONTAGE:** The length of the front lot line.

**LOT OF RECORD:** A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Grand Traverse County, Michigan; or a tract of land described by metes-and-bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.

**LOT WIDTH:** The horizontal distance between side lot lines measured at the required front setback.

**Deleted:** a lake or

**Commented [RM19]:** New Definition. Presently, there is no definition of how lot area is computed. Also added the provision for lot area as not including land that is broken by roads here (now appears in 12.11)

**Deleted:** inclusive of land that is

**Deleted:** throughfare

**Deleted: LOT WIDTH:** The average horizontal distance between the side lot lines measured perpendicular to the average depth, especially on irregularly shaped lots.

**Commented [RM20]:** Need a better definition of lot width

**NONCONFORMING LOT:** A lot of record which does not meet the requirements of this Ordinance.

**THROUGH LOT** (also called a double frontage lot): An interior lot having frontage on two (2) more or less parallel streets.

**LOT LINES:** The property lines bounding a lot or parcel.

**FRONT LOT LINE:** The line separating a lot from any street right-of-way, private road or other access easement. In the case of a waterfront lot, the line which fronts on a navigable waterway shall be a front lot line. Corner lots, for the purpose of setbacks, shall have two front lot lines and two side lot lines.

**REAR LOT LINE:** The line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front line.

**SIDE LOT LINE:** Any lot line other than a front or rear lot line.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one or more of the building's sides rest directly on or adjacent to a lot line.

**MANAGED VEGETATIVE STRIP:** A natural vegetative area extending along both sides of rivers, streams or watercourses, containing native trees, shrubs and other vegetation and natural materials. The purpose of the managed vegetative strip is to stabilize the river banks, prevent erosion, absorb nutrients in water runoff from adjacent lands, provide shading for the stream to maintain cool water temperatures, and screening of adjacent man-made structures.

**MANUFACTURED HOME:** A dwelling unit constructed primarily within a factory in modules or components, which are then transported to a site where they are assembled on a permanent foundation to form a dwelling, and meet all codes and regulations applicable to conventional home construction.

**MASTER DEED:** The document recorded as part of a site condominium subdivision to which are attached as exhibits, and incorporated by reference, the approved bylaws for the site condominium subdivision and the site condominium subdivision plan.

**MOBILE HOME:** A structure, with a title issued by the State of Michigan, that is approved by the U.S. Department of Housing and Urban Development (HUD), and can be moved in one (1) or more sections, which is built on a chassis and designed as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and electrical systems. "Mobile home" does not include a recreational vehicle or recreational trailer but shall include HUD housing.

**MOBILE HOME OR MANUFACTURED HOME CONDOMINIUM PROJECT:** A condominium project in which mobile homes or manufactured homes are located upon separate sites which constitute individual condominium units.

**MOBILE HOME PARK, TRAILER COACH PARK, OR PARK:** Any parcel or tract of land under the control of any person, upon which three (3) or more occupied trailer coaches are harbored on a continual basis, or which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the harboring or occupancy of trailer coaches; except as provided by Section 91, Public Act 172 of 1970.

**MOBILE HOME SUBDIVISION:** A subdivision approved under the Land Division Act (Public Act 288 of 1967), as amended, which by deed restriction has been designated solely for occupancy by mobile homes, HUD, or similar housing.

Deleted: ¶

Deleted: **MOBILE HOME CONDOMINIUM PROJECT:** A condominium project in which mobile homes are located upon separate sites which constitute individual condominium units.¶

Commented [RM21]: Definitions for Mobile Home Condominium Project were updated in Amendment #86

**MODULAR HOUSING UNIT:** See Manufactured Home.

**NATURAL FEATURES:** Natural features shall include soils, wetlands, floodplain, water bodies, sand dunes, topography, vegetative cover and geologic formations.

**NONCONFORMING USE:** A use which lawfully occupied a structure or site prior to the effective date of this Ordinance or any amendment thereto, and which does not conform with the current use regulations of the district in which it is located.

**NONCONFORMING STRUCTURE:** A structure lawfully existing prior to the effective date of this Ordinance or any amendment thereto, which does not meet the current zoning ordinance standards for building size or location on a lot for its use and district.

**NUISANCE:** An offensive, annoying, unpleasant, or obnoxious thing or practice, especially when constant or repetitive. A condition which is perceivable and extends its effect upon neighbors across property lines by the generation of excessive noise, odors, trash, abnormal traffic, congregation of people (particularly at night), or other similar conditions.

**ORDINARY HIGH-WATER MARK:** The point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristic.

**OUTDOOR DISPLAY AREA:** An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

**OUTDOOR INVENTORY AREA:** A designated outdoor area designed to allow for storage of excess inventory in a manner not visible to the public.

**OUTDOOR SALES AREA:** The display and sale of products and services outside of a building or structure, including vehicles, garden supplies, gas, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and similar materials or items.

**PARCEL:** A lot described by metes and bounds or described in a recorded plat.

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

**PLAT:** A map of a subdivision of land.

**PLOT PLAN:** The documents and drawings normally consisting of a drawing of the subject lot or parcel of land together with an outline drawing of the proposed structure(s) or modification(s), including all porches, extensions and roof overhangs, showing the principal dimensions of the structure(s) and all setback distances measured perpendicular to all lot lines. The documents and drawings shall bear the name, address and telephone number of the landowner and applicant, and the date of the application.

**PREMISES:** A unit of contiguous real property under common ownership.

**PRIMARY or PRINCIPAL BUILDING:** A building which houses the main or principal use of the lot on which it is located. All other buildings are accessory structures.

**PRIMARY OR PRINCIPAL USE:** The main use to which the lot or premises are devoted. For example,

Commented [RM22]: High Water should be hyphenated.

Deleted: **OUTDOOR DISPLAY AREA:** A designated outdoor area used for the display of merchandise visible to the public.¶

Commented [RM23]: Improve definition of Outdoor Display Area

Commented [RM24]: Add definition of Outdoor Sales Areas. Outdoor sales, display, and inventory areas could all be different things

the main use of a single-family home is residential, and the main use of a retail store is commercial.

**RECREATIONAL PREMISES:** A premises used or occupied for recreational purposes, including parks, play areas, indoor or outdoor swimming pools, bathing beaches, boating and fishing areas, winter recreational areas, nature study areas, community halls and fairgrounds.

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

**SIGN:** Any words, lettering, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, or combination thereof, by which anything is made known, such as the designation of an event, a firm, a profession, a business or product, which are visible from any street or road and used as an outdoor display.

**Commented [RM25]:** Note – all Signage definitions and regulations will need to be reviewed pursuant to Reed v. Gilbert

**SIGN STRUCTURE:** A permanent physical structure on a fixed footing, foundation, column or base designed or used for the support and/or illumination of a sign.

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

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

**SITE PLAN:** A plan drawn to scale showing proposed uses and structures for a parcel of land, including any details necessary to illustrate the final proposed use. A site plan may include elements such as the location of lot lines, the location of buildings, open spaces, parking, landscaping, and utility lines.

**SPECIAL USES:** Special uses are those uses which are not essentially incompatible with the uses permitted in a zoning district but require individual review and standards to avoid conflict with adjacent uses of land.

**SPECIAL USE PERMIT:** A permit issued by the Planning Commission following a public hearing which allows a specific activity in and on a property with additional specified requirements or provisions.

**STRUCTURE:** A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, building, mobile homes, signs and sign boards, tower, poles, antennae, stand pipes or other like objects, but not including fences.

**VARIANCE:** A variance is a modification of the literal provisions of the Zoning Ordinance granted by the Zoning Board of Appeals under qualifying circumstances.

**VEHICLE:** A device or structure for transporting persons or things; a conveyance.

**YARD:** The space surrounding a structure.

**FRONT YARD:** The space extending across the full width of the lot between the front of the principal building and the front lot line.

**REAR YARD:** The space extending across the full width of the lot between the back of the



principal building and the rear lot line.

**SIDE YARD:** The space between a principal building and side lot line, extending from the front yard to the rear yard.

**ZONING ADMINISTRATOR (ZA):** The officer and/or his duly appointed deputies, agents, employees and inspectors charged with the administration and enforcement of this Ordinance.

## ARTICLE 3 - ZONING MAP AND DISTRICTS

### 3.01 ZONING DISTRICTS ESTABLISHED

For the purpose of this Ordinance, Whitewater Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

R-1 Residential  
R-2 Residential  
R-3 Residential  
RC- Recreational  
A-1 Agricultural  
C-1 Commercial  
N- Industrial  
V – Village  
COPUD Corridor Overlay PUD  
PUD Planned Unit Development  
MHP Manufactured Home Park

*Commented [RM26]: This is a new Article created to define zoning Districts in Whitewater Township. It recognizes and defines an official zoning map depicting zoning districts' boundaries. It also provides rules for the interpretation of the map. The Zoning Map is made a part of this ordinance. Existing legal descriptions provided later have been removed so that there is only one source of information concerning the limits of zoning districts.*

### 3.02 ZONING MAP

The boundaries of the zoning districts are defined and established on the Official Zoning Map of Whitewater Township which is a part of this Ordinance. This map is identified by the signature of the township supervisor, attested to by the township clerk, and bearing the statement that this is the "Official Zoning Map of Whitewater Township" with an effective date. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map and include the dates of any amendments made thereon.

*Commented [RM27]: New Section establishing the Zoning Districts as illustrated on the zoning map used by Whitewater Township (see 2015 Master Plan and map on WWT website).*

### 3.03 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on such matters, shall apply the following standards:

*Commented [RM28]: This new language directly connects the written Zoning Ordinance with the Official Zoning Map. We will need to add this language to the zoning map (along with a scale)*

- (A) Boundaries indicated as approximately following roads or highways shall be construed as following the right-of-way center lines of said roads or highways.
- (B) Boundaries indicated as approximately following section lines, quarter-section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
- (C) Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
- (D) Boundaries indicated as approximately following railroad lines shall be considered midway between the main tracks.
- (E) Boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as parallel thereto and at such distance as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by using the scale shown on the Official Zoning Map.
- (F) Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of a change in the shorelines shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the thread of streams,

- (G) canals, or other bodies of water shall be construed to follow such threads.  
Where the application of the aforesaid rules leaves reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern.

**Commented [RM29]:** *New section that addresses interpretation of zoning district boundaries.*

## ARTICLE 4 - USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS

**Commented [RM30]:** This Chapter will reorganize Articles V- XII into a single, more easily read Article. It contains existing permitted and special uses and existing primary dimensional requirements.

### 4.01 ZONING DISTRICT REGULATIONS

Except as may otherwise be provided in this ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to an existing use, building, and structure occurring after the effective date of this ordinance shall be subject to all regulations of this ordinance applicable in the zoning district in which such use, building, or structure is located.

**Commented [RM31]:** New Material

### 4.02 PRINCIPAL USE REGULATIONS

This Article identifies the principal land uses permitted in each of the zoning districts. No land use shall be established on a lot or parcel except in conformance with the use regulations provided herein. In order to minimize potential land use conflicts and advance other purposes as described in Article I, land uses permitted in a particular Zoning District are defined as being a "Use Permitted by Right" or a "Special Land Use" as described hereunder.

- (A) **Uses Permitted by Right:** Uses permitted by right are the primary uses and structures specified for which the district has been established. The Zoning Administrator may approve proposed uses and related structures if all other development standards and requirements contained in this ordinance are met
- (B) **Special Land Uses:** Special land uses are uses and structures generally regarded as reasonably compatible with the uses permitted by right in a zoning district but could also present potential land use conflicts or are otherwise unique in character. According to Article XX, such special uses require special consideration concerning potential impacts on adjacent properties and the Township as a whole.

**Commented [RM32]:** New Material

### 4.03 ACCESSORY USE REGULATIONS

Accessory uses are incidental to and customarily associated with the principal use of the property, are permitted in all Districts, and shall conform to all applicable standards of this Ordinance (See Section XX).

**Commented [RM33]:** We will need to reference a later section that deals with accessory uses buildings. Now is is Article IV

### 4.04 RESIDENTIAL R-1 – INTENT

It is the intent of the Residential District R-1 to provide a dedicated space for residential structures, specifically Single-Family Dwellings, and the structures and uses typically associated with a residential area.

**Commented [RM34]:** Same as 6.01

**Commented [RM37]:** Same as 6.10 and 6.11

Note that existing provisions 6.12 and 6.13 are largely redundant with other sections and are removed.

All development standards are moved to the DIMENSIONAL REQUIREMENTS TABLE.

Also, note changes to Church sizes to reflect a better definition of building size. The building footprint is now a defined term.

- (A) R-1 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. Single-Family Dwellings,</li> <li>2. Publicly owned and operated parks and recreational facilities.</li> <li>3. The keeping of animals for home use and enjoyment subject to all applicable requirements of (Section X.X)</li> <li>4. Adult foster care facilities serving 6 or less individuals.</li> <li>5. Family day-care homes serving 6 or less individuals.</li> <li>6. Churches with a building footprint less than 5,000 square feet.</li> <li>7. Home occupations subject to the requirements of (Section X.X)</li> <li>8. Accessory buildings and uses customarily incidental to the same (See Section X.X).</li> </ol>	<ol style="list-style-type: none"> <li>1. Bed and Breakfast Establishments.</li> <li>2. Schools.</li> <li>3. The keeping, breeding or training of dogs for monetary gain or for profit, subject to all applicable requirements of Article X.X</li> <li>4. Adult foster care facilities serving more than 6 individuals.</li> <li>5. Family day-care homes serving more than 6 individuals.</li> <li>6. Group day-care homes serving more than 6 individuals.</li> <li>7. Churches with a building footprint that is 5,000 square feet or more.</li> <li>8. Planned Unit Developments.</li> </ol>

Deleted: Supplementary provisions

Commented [RM35]: Clarify that we are talking about building footprint

Deleted: <#>Churches under 5,000 square feet in area.¶

Deleted: <#>that is

Deleted: <#>Churches 5,000 square feet or greater in area.¶

Commented [RM36]: Add reference to Accessory Use and Buildings Section.

#### 4.05 RESIDENTIAL R-2 – INTENT

It is the intent of the Residential District R2 to provide a dedicated space for residential structures, specifically, single and two-family dwellings, and accessory structures incidental thereto.

##### (A) R-2 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted by right in the Residential District R-1.</li> <li>2. Two-family dwellings.</li> <li>3. Schools.</li> <li>4. Farming of all types, subject to the requirements of (Section X.X)</li> <li>5. Libraries.</li> </ol>	<ol style="list-style-type: none"> <li>1. All special uses permitted and as regulated in the Residential District R-1.</li> <li>2. Planned Unit Developments.</li> <li>3. Residential Care Facilities, Convalescent or Nursing Homes.</li> </ol>

Commented [RM38]: Same as 7.01

Commented [RM39]: Same as 7.10, 7.11

7.12 is not needed

All development standards are moved to the DIMENSIONAL REQUIREMENTS TABLE.

Deleted: Article 37, Supplementary Provisions. ¶

#### 4.06 RESIDENTIAL R-3 – INTENT

It is the intent of the Residential District R-3 to provide a dedicated space for residential structures, specifically multi-family dwellings, townhouses, apartments, and other compatible uses.

##### (A) R-3 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted by right in Residential District R-2.</li> </ol>	<ol style="list-style-type: none"> <li>2. All special uses permitted and as regulated in the Residential District R-2.</li> <li>3. Multi-family dwellings such as townhouses and apartments.</li> </ol>

Commented [RM40]: Same as 7.51

Deleted: townhouse

Commented [RM41]: Same as 7.60 and 7.61

Note there is a conflict between Muni-code Document and printed version of the ZO. Muni-code does not list uses permitted by right.

Also note that the R-3 is created for multi-family dwellings, but only allows them as Special Uses.

7.62 and 7.63 are largely redundant with other sections and are removed.

All development standards are moved to the DIMENSIONAL REQUIREMENTS TABLE.

Deleted: dwelling

#### 4.07 COMMERCIAL C – INTENT

The purpose of the Commercial C District is to provide a location for a diversity of small and moderate scale business types and is situated along a regional arterial roadway, M-72, to serve local passers-by traffic and local needs.

##### (A) C Use Regulations

Commented [RM42]: All development standards are moved to the DIMENSIONAL REQUIREMENTS TABLE. 4-1

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted in Residential District R1, R2.</li> <li>2. Restaurants, bakeries, coffee shops, and diners.</li> <li>3. Office buildings and uses such as: accountants, legal services, medical, dental, and physical therapy offices.</li> <li>4. Financial institutions.</li> <li>5. Retail stores and shops; food, drug, variety, dry goods, clothing, music, hardware, equipment, and other similar light retail uses.</li> <li>6. Equipment, tool, and event rental establishments.</li> <li>7. Personal service establishments which perform services on the premises, such as: barber and beauty shops, shoe repairs, business services, printing, publishing, and related trades.</li> <li>8. Places of public assembly, religious, civic, and social facilities not operated for profit and facilities customarily incidental thereto.</li> <li>9. Licensed daycare facilities.</li> <li>10. Assisted living, extended care, and licensed group <u>home</u> facilities.</li> <li>11. Essential service, including public utility buildings with outside storage.</li> </ol>	<ol style="list-style-type: none"> <li>1. Any permitted use located in a building <u>with a building footprint of 10,000 square feet or more, includes</u> drive-through services, offers live entertainment, or serves alcoholic beverages.</li> <li>2. Retail sales and/or rental of automobiles, watercraft, farming equipment, or recreational equipment, including servicing, repair, and/or storing vehicles.</li> <li>3. Fuel and oil service stations.</li> <li>4. Hotels and motels.</li> <li>5. Dwelling units <u>that</u> are part of a commercial unit, such as <u>second-story</u> "flats" or apartment units.</li> <li>6. Multi-family dwellings.</li> <li>7. Laundry and <u>dry-cleaning</u> establishments.</li> <li>8. Indoor and outdoor recreational facilities (e.g., miniature golf or athletic clubs).</li> <li>9. Production, processing, assembly, manufacturing or packaging of goods or materials. Such facilities may include testing, repair, storage, distribution, and sale of such products.</li> <li>10. Schools licensed or chartered by the State of Michigan and private educational institutions.</li> <li>11. Funeral homes.</li> <li>12. Veterinary clinics, veterinary hospitals, and related kennel facilities.</li> <li>13. Carpentry, plumbing, contracting, and other skilled trades.</li> <li>14. Rental storage building, with the following conditions included in the rental contracts and posted on the premises: Excluding storage of flammable liquids or gases, explosives or toxic materials.</li> <li>15. Places of public assembly, event venues, and social facilities operated for profit.</li> <li>16. Sexually oriented businesses.</li> <li>17. Billboards subject to the standards of <u>Article 4</u>.</li> <li>18. Any other use of a retail commercial nature designed primarily to serve the residents of the area and the traveling public.</li> </ol>

**Deleted:** that exceeds 10,000 square feet, includes

**Deleted:** which

**Deleted:** second story

**Deleted:** dry cleaning

**Deleted:** homes

#### 4.08 VILLAGE DISTRICT V – INTENT

The purpose of the Village District is to maintain and enhance the traditional character of the Village of Williamsburg while allowing it to develop in a manner that follows the historic pattern of rural villages in the Grand Traverse Region.

**Commented [RM43]:**

**Commented [RM44]:** Section 8.52 (A- I) was removed as it is largely redundant.

Also, note that requirements in 8.62 and 8.63 are moved to the DIMENSIONAL REQUIREMENTS TABLE.

All development standards are moved to the DIMENSIONAL REQUIREMENTS TABLE.

(B) V Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<p>1. All uses allowed in the R1, R2, R3, and C Districts in buildings with a building footprint that is less than 5,000 square feet.</p> <p>2. Apartments and offices located above commercial uses in mixed-use buildings with a building footprint that is less than 5,000 square feet.</p>	<p>1. Permitted Uses allowed in the R1, R2, R3, and C districts in buildings with a building footprint of 5,000 square feet or more.</p> <p>2. Any use in a building which exceeds 5,000 square feet, and any use which includes drive-through services, and any use offering live entertainment.</p>

Deleted: that exceed 5,000 square feet.

Commented [RM45]: Changed from "in buildings not exceeding 5,000 square feet"

Commented [RM46]: Added this Language to be consistent with other sections

Deleted: All uses allowed in the R1, R2, R3, and C Districts in buildings not exceeding 5,000 square feet.¶  
Apartments and offices located above commercial uses in mixed-use buildings.

Commented [RM48]: All development standards 9.02 & 9.12, 9.13 are moved to the DIMENSIONAL REQUIREMENTS TABLE.

**4.09 INDUSTRIAL DISTRICT N - INTENT**

It is the intent of the Industrial District to provide a dedicated location to accommodate the potential noise, outdoor storage, and increased commercial traffic common to wholesale sales and light manufacturing facilities.

(A) N Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<p>1. All uses permitted and as regulated within the Commercial, Village, and Residential Districts.</p> <p>2. Wholesale warehouses.</p> <p>3. Storage warehouses.</p> <p>4. Outside storage of earth moving and similar large equipment.</p> <p>5. Billboards, subject to the standards of Section 9.13.</p>	<p>1. Industry or business, the operation of which uses any product or by-product or other thing which may cause contamination to the water, air, or land of the area unless adequate provision is made for the disposition of such product, by-product or waste which meets the approval of the Planning Commission and shall not be offensive, objectionable, or in any way endanger public health, safety or welfare.</p> <p>2. Junk, scrap metal, or salvage yards.</p> <p>3. Stock yards, slaughterhouses, rendering plants, meat or pelt processing establishments.</p> <p>4. Establishments primarily engaged in heavy industry such as smelters, foundries, heavy industrial stamping operations.</p> <p>5. Any similar business or operation offensive or objectionable to public health, safety, or welfare.</p> <p>6. All special uses permitted within the Commercial, Village, and Residential Districts.</p>

Deleted: 9.13.

**4.10 AGRICULTURAL A-1 – INTENT**

The intent of the Agricultural District is to define areas where farming and related activities is the predominant land use.

Commented [RM49]: Note – There does not appear to be an existing language of Intent for the Agricultural District. Language provided is general to be refined after the Master Plan is done

(A) A-1 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
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<ol style="list-style-type: none"> <li>1. All uses permitted and as regulated in Residential District R- 2</li> <li>2. Farming of all types, including the construction and maintenance of migrant worker's quarters.</li> <li>3. Golf courses.</li> <li>4. Riding academies and stables, veterinarian hospitals and kennels.</li> <li>5. Roadside stands for the sale of fresh or processed fruits and vegetables, grown or produced on said property.</li> <li>5. Farm Market</li> <li>6. Agricultural dumps. <a href="#">See Section XX</a></li> <li>7. Private Family Campgrounds <a href="#">See Section XX</a></li> </ol>	<ol style="list-style-type: none"> <li>1. Commercial Campgrounds <a href="#">See Section XX</a></li> </ol>
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**Commented [RM50]:** It is unclear if we need to define Roadside Stands. This may overlap with a Farm Market. Revisit after the Master Plan.

**Commented [RM51]:** Eliminated the extra language in 10.10 G. The new definition in Article II defines a Farm Market in a way that is consistent with MDARD and the GAAMP's.

**Commented [RM52]:** Farm Market is now a defined term. Leave Roadside stands in for now, but review more closely later.

**Commented [RM53]:** Note – There does not appear to be an existing language of Intent for the RC-1 District. The language provided is should be refined after the Master Plan is done.

#### 4.11 RECREATIONAL RC-1– INTENT

The intent of the RC-1 Recreational District is to define areas where outdoor recreation and low-density residential uses are the predominant land use.

##### (A) RC-1 Use Regulations

Uses Permitted by Right	Uses Permitted by Special Use Permit
<ol style="list-style-type: none"> <li>1. All uses permitted and as regulated in Residential District R- 2.</li> <li>2. Bed and breakfast establishments providing tourist/vacation accommodations.</li> <li>3. Private Family Campgrounds <a href="#">See Section XX</a></li> <li>4. Riding academies and stables, veterinarian hospitals and kennels</li> <li>5. Hydro-electric plants.</li> <li>6. State-owned conservation lands.</li> </ol>	<ol style="list-style-type: none"> <li>1. Planned Unit Developments.</li> <li>2. Commercial Campgrounds <a href="#">See Section XX</a></li> </ol>

#### 4.12 PRIMARY DIMENSIONAL REQUIREMENTS

Table 4-1 contains primary dimensional requirements for each zoning district. These requirements express required spatial relationships between buildings and parcels of land, such as setbacks, lot area, and building height.

**Commented [RM54]:** This table is the same as 12.11 except that the last column, titled "land use regulated in Setbacks (see applicable zone regulations) is unclear. Under this heading are the words "yes." It is not clear what this means, so it was removed. Other special setbacks will be included in the next Chapter and linked to a particular land use/.

Added Minimum Dwelling Size to Chart (12.10 A) and rely on new definition for floor area.



**TABLE 4-1 PRIMARY DIMENSIONAL REQUIREMENTS**

Zoning District	Min. Lot Width (ft.)	Min. Lot Area (sq. ft.)	Min. Front Yard (ft.)	Min. Side Yard (ft.)	Min. Rear Yard (ft.)	Max. Building Height (ft.)	Max. Building Coverage (%)	Min. Width: Max. Depth Ratio	Min. Dwelling Floor Area- each Dwelling (Sq. Ft.)
<b>R-1</b>	100	20,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>R-2 Single Family</b>	100	12,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>R-2 Two Family</b>	120	22,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>R-3 Single Family</b>	100	12,000	30 <sup>(3)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	-(9)	1:4	700
<b>R-3 Multi-Family</b>	120	11,000 per dwelling unit	30 <sup>(3)(8)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>A-1</b>	200	40,000	30 <sup>(3)(5)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>		1:4	700
<b>RC-1</b>	300	5 Ac.	30 <sup>(3)(6)</sup>	15 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>		1:4	700
<b>C-1</b>	100	=	50 <sup>(3)(7)(8)</sup>	10 <sup>(3)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	40% <sup>(9)</sup>		700
<b>V - With common sewage disposal or water supply.</b>	80	20,000	0 <sup>(2)(3)</sup>	10 <sup>(3)</sup>	15 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>V - With common sewage disposal and water supply</b>	50	8,000	0 <sup>(2)(3)</sup>	10 <sup>(3)</sup>	15 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>V - Without common water supply or sewage disposal</b>	100	40,000	0 <sup>(2)(3)</sup>	10 <sup>(3)</sup>	15 <sup>(3)</sup>	35 <sup>(1)</sup>	=	1:4	700
<b>N</b>	100	=	50 <sup>(3)</sup>	Total 30%, but not less than 15 ft. <sup>(3,8)</sup>	30 <sup>(3)</sup>	35 <sup>(1)</sup>	40% <sup>(9)</sup>	1:4	700
<b>MHP</b>	300	17 Ac.				35 <sup>(1)</sup>			700

**LOTS WITH FRONTAGE ON THE BOARDMAN RIVER OR TRIBUTARIES**

- In no case shall a lot having frontage on the Boardman River or its tributaries be less 200 feet wide at the ordinary high-water mark, or have a lot depth of less than 200 feet.
- No structure shall be built within 100 feet of the ordinary high-water mark of the Boardman River or its tributaries.

**FRONTAGE ON ALL OTHER LAKES AND STREAMS**

- No structure shall be built within 50 feet of the ordinary high-water mark of all other Lakes and Streams.

**ENCLOSURES/STRUCTURES FOR LIVESTOCK, DOMESTIC ANIMALS (EXCEPT HOUSE PETS)**

- All enclosures/structures for livestock, domestic animals (except house pets) shall be located on a lot that is no less than 2 ½ acres and may not be located closer than 100 feet from any lot line.

**Footnotes**

<sup>(1)</sup> or 2 1/2 stories above grade (whichever is less)

<sup>(2)</sup> New buildings shall be constructed so that their front facades are in one of the following locations:

**Commented [RM55]:** The existing chart (12.11) contains no standards for the Village Zoning District. Instead, standards existed in 8.62 and were moved to this table to keep similar requirements together.

**Deleted:** ¶  
¶

**Deleted:** .

**Deleted:** D

**Deleted:** Structure

**Deleted:** Foot Print

**Commented [RM56]:** Changed the term maximum structure height to maximum building height. Building Height is a defined term in Article 2. Buildings and structures are different things. A structure may include cell towers, billboards, water towers, etc.

**Commented [RM57]:** Use Building Coverage term (see definitions - rather than "maximum coverage of lot which is not defined in Article 2)

**Deleted:** sq. ft.

**Deleted:** Ratio

**Deleted:** A-1

**Commented [RM58]:** No building height limit was found in the existing ordinance in the V district. 35 feet (or 2 1/2 stories above grade) was added to be consistent.

**Commented [RM59]:** No building height limit was found in the existing ordinance in the V district. 35 feet (or 2 1/2 stories above grade) were added to be consistent.

**Commented [RM60]:** No building height limit was found in the existing ordinance in the V district. 35 feet (or 2 1/2 stories above grade) was added to be consistent.

**Commented [RM61]:** The required side yard setbacks in the N District should be reviewed. A thirty percent side yard (total) may be excessive, especially for large parcels)

**Commented [RM62]:** Text is based on Footnote 2 with changes noted below.

Simplified terms related to ordinary high-water mark and depth of lot. Both terms are already defined in Article 2. Don't confuse terms and use defined terminology in Article 2. It is better to say lot depth than saying the lot has to be 200 feet deep.

Delete two standards for lot width. We should have only one to be clear. Setbacks at the ordinary high-water mark seem clearer and more straightforward.

**Commented [RM63]:** Added "(whichever is less). Currently, it just says 35 feet or 2 ½ stories. Would a building that is 2 ½ stories and 37 feet tall comply?

- a. The same distance from the road as any adjacent principal building (on the same side of the road) within 100 feet, or  
b. The average distance from the road of both adjacent principal buildings (on the same side of the road) if within 100 feet, or  
c. If no principal buildings are within 100 feet on the same side of the road, the front setback shall be 15 or more feet from the front lot line or such other distance as the Planning Commission may approve by site plan review.

- (3) No structure shall be built within the minimum yards required except when expressly allowed elsewhere in this Ordinance.  
(4) A dock may be constructed parallel to the bank, not exceeding ten (10) feet in length.  
(5) When a lot has frontage on M-72 in the A-1 Zone, the required front yard setback is 100 feet.  
(6) When a lot has frontage on Supply Road, the required front yard setback is 150 feet.  
(7) When a lot has frontage on Old 72 in the C-1 Zone, the required front yard setback is 30 feet.  
(8) When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required front yard is 75 feet.  
(9) When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the maximum building coverage is 33%

When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required lot width is 100 feet.  
When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required rear yard 30 feet.  
When a lot has frontage on M-72 in the C-1, R-3 or N Zone, the required minimum width to depth ratio is 1:40

**Commented [RM64]:** This existing language needs to be updated to be clearer and more concise after the Master Plan is done.

**Deleted: ¶**

**Commented [RM65]:** The requirement that the dock can't protrude into the stream and must be made of natural material seems odd.

**Deleted:** . and not protruding in the stream, and when constructed of natural materials such as rocks or logs.

**Commented [RM66]:** This is existing material (last line on the existing chart - but it is meaningless as 100 foot frontage is required above in C-1, R-3 and N.

**Commented [RM67]:** These provisions are listed in the very last row of the existing chart, but are not needed as they duplicate requirements contained in the existing chart.

**Deleted: <#>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, then the Planning Commission may grant deviation therefrom after first determining that the same shall not be inimical to the public health, safety or welfare.¶

**IMPROVED ORGANIZATION OF THE WHITEWATER TOWNSHIP ZONING ORDINANCE  
CONSIDER COLLAPSING ARTICLES FROM 37 TO ABOUT 15  
TO MAKE IT MORE USER-FRIENDLY**

**CURRENT**

ARTICLE 1 SHORT TITLE  
ARTICLE II INTERPRETATION  
ARTICLE III DEFINITIONS  
ARTICLE IV ACCESSORY AND NONCONFORMING USES AND BUILDINGS  
ARTICLE V DISTRICTS  
ARTICLE VI RESIDENTIAL R-1  
ARTICLE VII MULTIPLE RESIDENTIAL R-2 and R-3  
ARTICLE VIII COMMERCIAL C and VILLAGE V  
ARTICLE IX INDUSTRIAL  
ARTICLE X AGRICULTURAL A-1  
ARTICLE XI RECREATIONAL RC-1  
ARTICLE XII BUILDING LOT SIZES AND YARD REQUIREMENTS  
ARTICLE XIII ESSENTIAL PUBLIC SERVICES  
ARTICLE XIV WATERFRONT PROPERTY  
ARTICLE XV SANITATION REQUIREMENTS  
ARTICLE XVI OUTDOOR STORAGE  
ARTICLE XVII ADMINISTRATION  
ARTICLE XVIII ZONING BOARD OF APPEALS  
ARTICLE XIX REQUEST FOR AMENDMENT  
ARTICLE XX SEPARABILITY  
ARTICLE XXI VIOLATIONS  
ARTICLE XXII EFFECTIVE DATE  
ARTICLE XXIII REPEAL  
ARTICLE XXIV SANITARY LANDFILL AND WASTE DISPOSAL  
ARTICLE XXV SITE PLAN REVIEW AND SPECIAL LAND USES  
ARTICLE XXVI RESERVED  
ARTICLE XXVII RESERVED  
ARTICLE XXVIII CONDOMINIUM DEVELOPMENT REGULATIONS  
ARTICLE XXIX EXTERIOR LIGHTING REGULATIONS  
ARTICLE XXX SIGN REGULATIONS  
ARTICLE XXXI PLANNED UNIT DEVELOPMENT  
ARTICLE XXXII CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT  
ARTICLE XXXIII LANDSCAPE STANDARDS  
ARTICLE XXXIV OFF-STREET PARKING AND LOADING  
ARTICLE XXXV TELECOMMUNICATION TOWERS  
ARTICLE XXXVI MOBILE HOME STANDARDS  
ARTICLE XXXVII SUPPLEMENTARY PROVISIONS

**PROPOSED (SUBJECT TO CHANGE)**

ARTICLE I TITLE, PURPOSE, AND SCOPE (COMBINE ART. I, II, XX, XXI, XXII, XXIII)  
     ○ (SHORT TITLE, PURPOSE, SCOPE, INTERPRETATION, SEPARABILITY, REPEAL, EFFECTIVE DATE)  
 ARTICLE II DEFINITIONS (ARTICLE III)  
     ○ (DEFINITIONS)  
 ARTICLE III ZONING MAP AND DISTRICTS (NEW SECTION THAT REPLACES ART. V AND ESTABLISHES THE MAP AS PART OF THE ZO, IDENTIFIES ZONING DISTRICTS, ETC.)  
 ARTICLE IV ZONING DISTRICTS, USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS (ARTICLE VI, VII, VIII, IX, X, XI, XII)  
 DESCRIBES ALL ZONING DISTRICTS, USES PERMITTED AND PRIMARY DEVELOPMENT REGULATIONS  
 • ARTICLE V SUPPLEMENTAL DEVELOPMENT STANDARDS AND PROVISIONS (IV. XIII, XV, XVI, XXIV, XXIX, XXXIII, XXIX XXXVII)  
 • ARTICLE VI OPTIONAL PLANNED DEVELOPMENTS (ARTICLE XXXI and XXXII) PLANNED UNIT DEVELOPMENT AND CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT  
 • ARTICLE VII OFF-STREET PARKING, LOADING AND LANDSCAPE STANDARDS (XXXIV and XXXIII)  
 • ARTICLE VIII CONDOMINIUM DEVELOPMENT REGULATIONS (XXVIII)  
 • ARTICLE IX SITE PLAN REVIEW (XXV)  
 • ARTICLE X SPECIAL LAND USES (XXV)  
 • ARTICLE XI TELECOMMUNICATION TOWERS (XXXV)  
 • ARTICLE XII MOBILE HOME STANDARDS (XXXVI)  
 • ARTICLE XIII SANITARY LANDFILL AND WASTE DISPOALS  
 • ARTICLE XIV SIGN REGULATIONS (XXX)  
 • ARTICLE XV ADMINISTRATION (XVII, XVIII, XIX, XXI) ADMINISTRATION, ZONING BOARD OF APPEALS, AMENDMENTS, VIOLATIONS

# ZONING ISSUES TO REVISIT AFTER THE MASTER PLAN IS DONE

Sept 26, 2023

1. The A-1 District uses the terms Farm Markets and Roadside Stands. The ZC work added a definition for Farm Markets (consistent with the current Michigan Commission of Agriculture & Rural Development GAAMPS). There is no definition for Roadside Stands, and it is not clear if there is a need for both terms. Development standards (max. building size, setbacks, signage, etc.) should also be reviewed.
2. The existing definition of a home occupation is very broad. Home occupations are an important part of a rural zoning ordinance, and a more precise definition and regulatory framework is needed (beyond what is in 37.4). An acceptable home occupation in a rural/agricultural area likely differs from one in a denser suburban subdivision.
3. The sign regulations should be completely updated to align with recent Supreme Court decisions. We should also look carefully at where and why Billboards are permitted in the various zoning districts.
4. We should reconsider the current zoning ordinances' "pyramid" nature. The Industrial Zoning District currently includes "All uses permitted and as regulated within the Commercial, Village, and Residential Districts." In other words, homes of all types and commercial uses are allowed in the Industrial Zoning District.
5. A statement of intent behind the purpose of the RC-1 Zoning District and A-1 Zoning District is missing.
6. The required side yard setbacks in the N District may need to be adjusted. Current requirements are "Total 30%, but not less than 15 ft." Industrial lots are often large, so it is possible that the 30% requirement could be excessive. The language could also be clarified to state how the 30% is applied more clearly (i.e., where on the lot is the 30% measured from?).
7. The R-3 Zoning District is intended to provide space for multi-family dwellings, yet "multi-family dwellings such as townhouses and apartments" require a special use permit. This should be reconsidered and changed if deemed necessary.
8. The existing table of lot sizes and setbacks (12.11) includes many special setback requirements when lots have frontage on M-72, Old 72, and Supply Road. We should reconsider these additional requirements and determine if they make sense. Some standards are redundant and complicate matters.
9. We need to consider and define the intent of the RC-1 Zoning District. No specific language could be found (a generic intent statement was added for now).
10. The setbacks in the V zoning district should be reviewed as they are variable and seem somewhat arbitrary.

TO BE CONTINUED .....