

WHITEWATER TOWNSHIP PLANNING COMMISSION and TOWNSHIP BOARD
AGENDA FOR SPECIAL MEETING,
12/13/2023, 7pm
Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

Zoom Link: <https://us06web.zoom.us/j/87889107802?pwd=COZFRdtF4vT8g0LtQua9iKD5aIJSse.1>

Meeting ID: 878 8910 7802

Passcode: 942715

1. Mic Check / Call to Order / Pledge of Allegiance
2. Roll Call of Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. Public Comment – Any person shall be permitted to address a meeting of the 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 the 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, excluding the time needed to answer a PC member's questions.
 - e. Public comment shall be limited to 3 minutes per person.
6. Special Meeting Business:
 - a. Master Plan
 - b. Zoning Project
 - c. FY 2024/2025 Budget Discussion
 - d. Metropolitan Planning Organization
 - e. Anything Else Related to Planning Commission
7. Next Meeting Date; PC – January 3rd, 2024
8. Public Comment
9. Commission Discussion/Comments
10. 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

Whitewater Township Master Plan and Zoning Update



WHITEWATER
TOWNSHIP PLANNING
COMMISSION



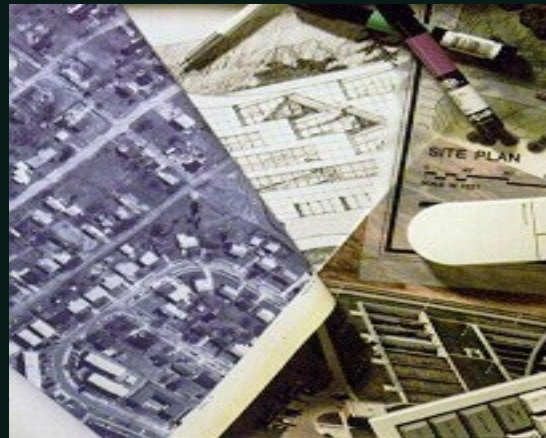
Overview

Master Plan Update – What has been done

Master Plan – Next Steps

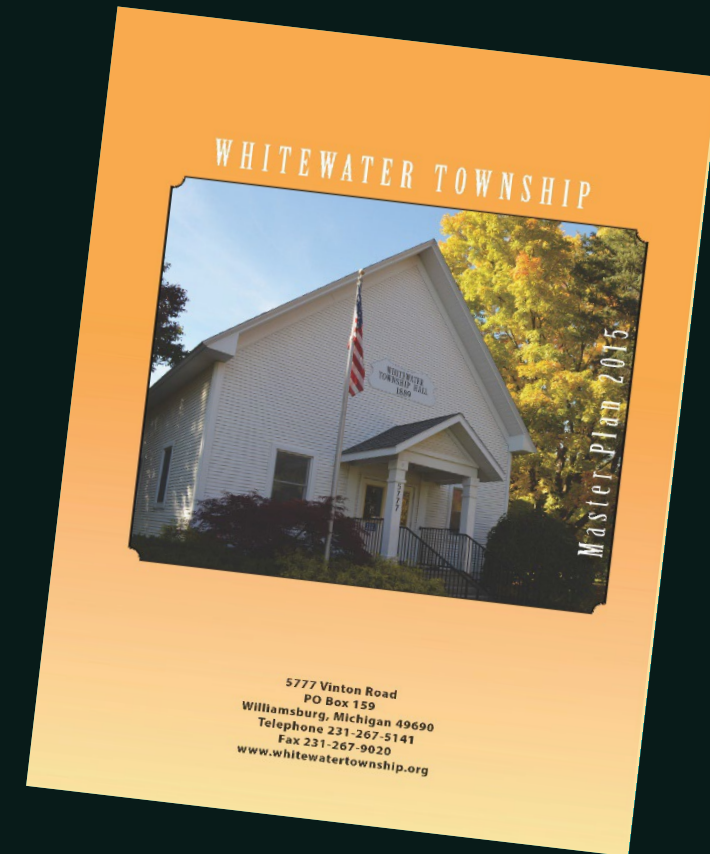
Zoning Update – What has been done

Zoning - Next Steps



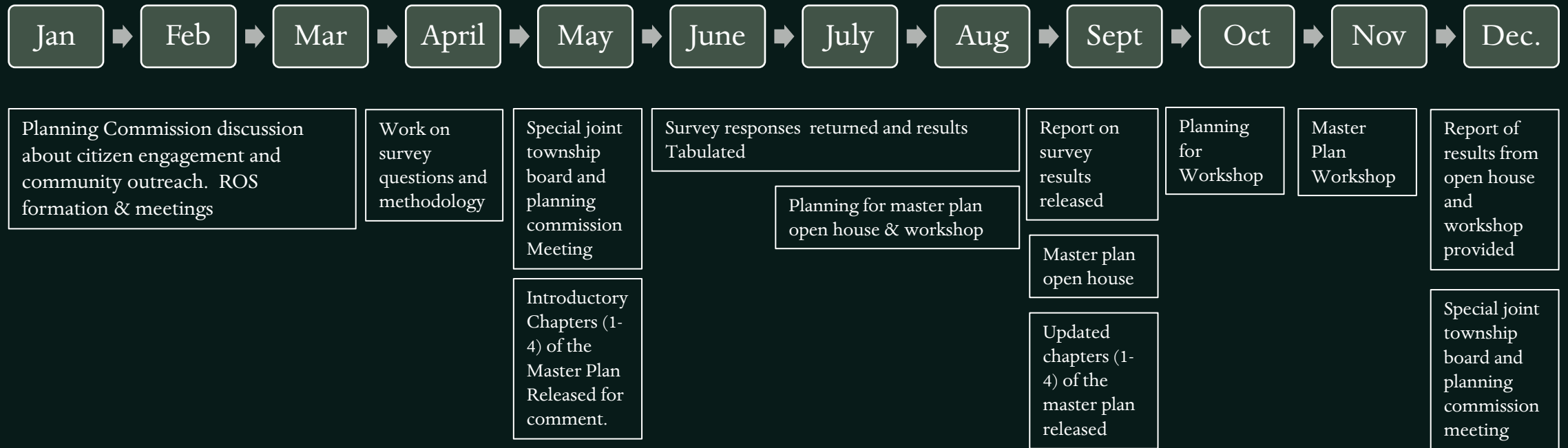
Master Plan Update

- The existing document is nearly ten years old (completed in 2015).
- Falls short of many MPEA requirements.
- Work started in Late 2022.
- New PC members and new Chairperson in January 2023
- Appointed ROS to advise PC on community engagement efforts.
- Launched and completed a three-phased community outreach effort – Survey, Open House, and Workshop.



Master Plan

Timeline / Milestones 2023





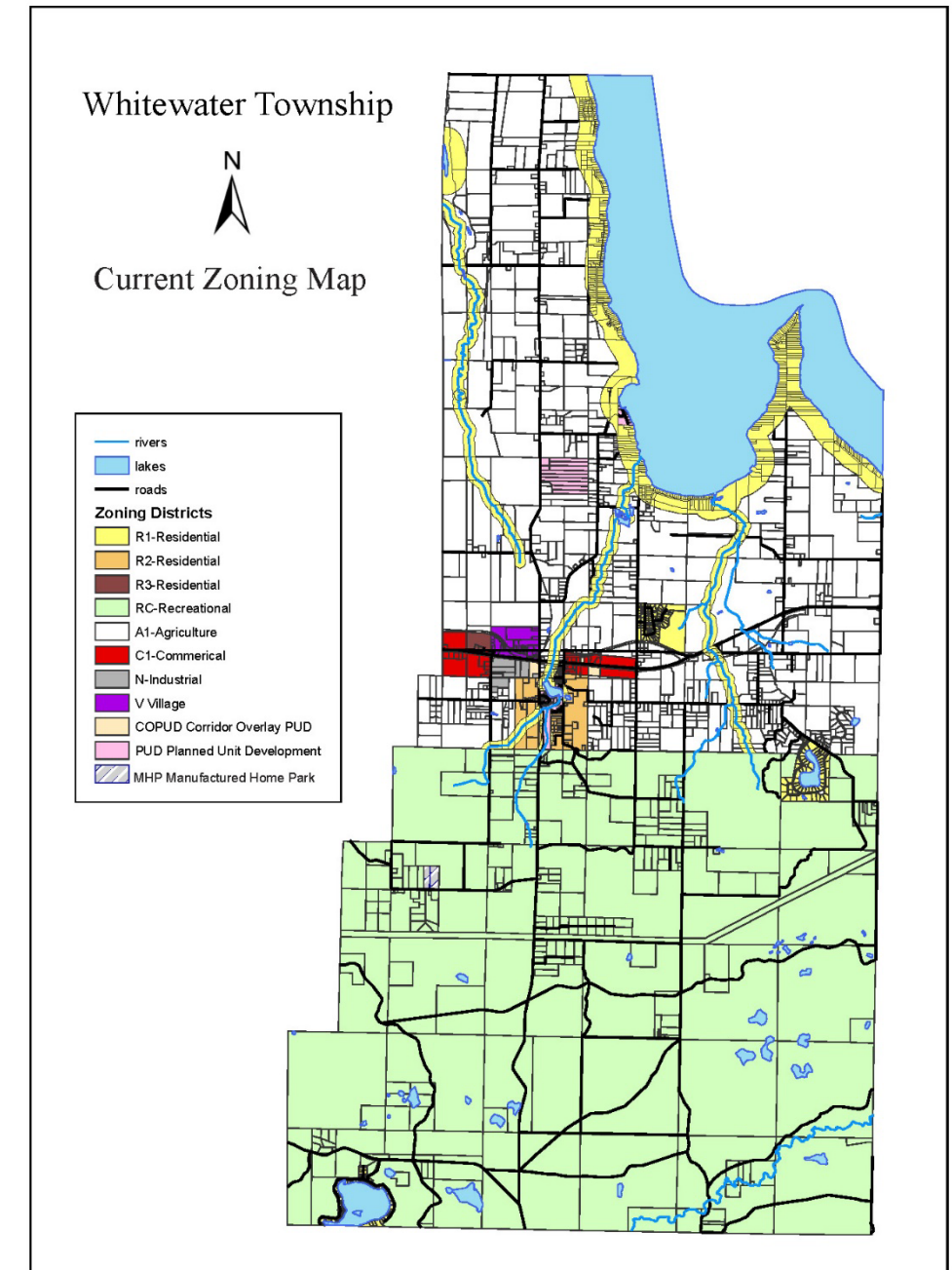
Master Plan Next Steps

Master Plan - Projected Process 2024



Zoning Clarification Project

Figure 29. Whitewater Township Current Zoning Map



Zoning Project Goals –

THE PRIMARY FOCUS IS TO CLARIFY

- ❑ Review/incorporate amendments (including locating those missing)
- ❑ Add/update definitions were needed
- ❑ Eliminate redundancy (same requirement in more than one place, written differently)
- ❑ Produce one MS Word Document. Add links to enable users to navigate the document.
- ❑ Reorganize so related material is next to each other. This includes collapsing the number of Articles.
- ❑ Eliminate legal descriptions to describe zoning districts. Create a new official zoning map to be adopted.
- ❑ Reviewing for consistency with MZEA.

Zoning Project Goals –

WHAT IS CURRENTLY BEING AVOIDED

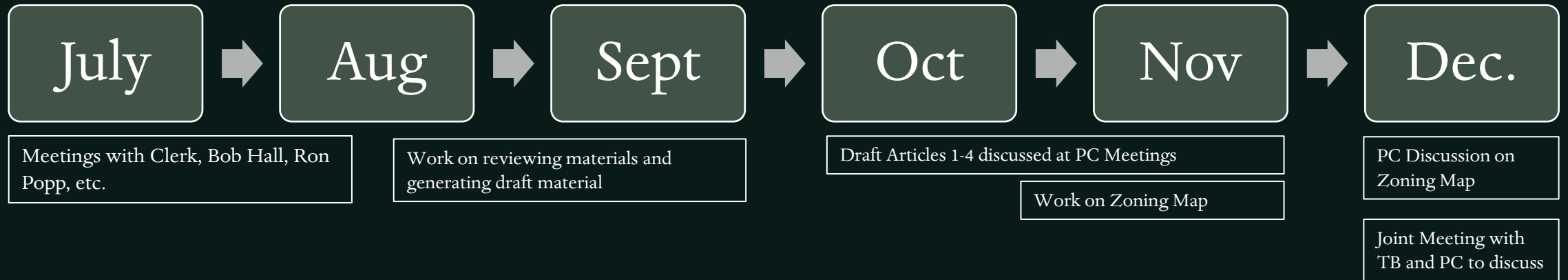
- ❑ Changes to process and procedures (unless contrary to MZEA)
- ❑ Add or change permitted or special uses.
- ❑ Changes to development standards (setbacks, lot sizes, building heights, etc.)

Zoning Project Goals –

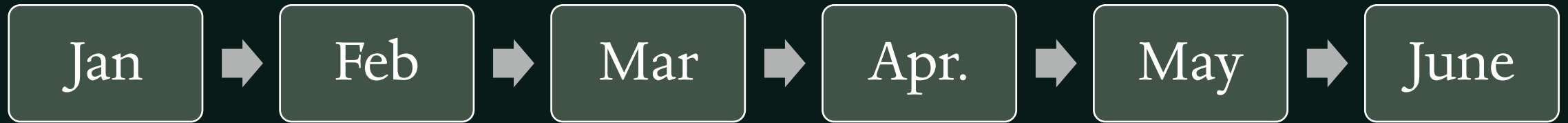
DEVELOPING A LIST OF POTENTIAL AMENDMENTS FOR THE FUTURE

- ❑ A list of areas to be addressed in the future is being generated. These represent areas of potentially substantial change.
- ❑ Work on these future amendments also relates to expected recommendations generated by the Master Plan.

Zoning Project - Timeline / Milestones 2023



Zoning Project - Expected Timeline 2024



Continue producing draft Articles and discussions at PC Meetings

Continue work on zoning map

In the future, projecting the number of meetings needed to work through all zoning issues is difficult for several reasons (to be discussed)

Township Board: If you have not already reviewed the Master Plan DRAFT Chapters 1-4 please do so here:

https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/working_document_wwt_master_plan_9_13_23r.pdf



DATE: November 28, 2023

TO: Whitewater Township Planning Commission
Whitewater Township Resident Outreach Subcommittee (ROS)

FROM: Barry Hicks, AICP, LIAA

RE: **Master Plan Goals and Strategies Input Summery**

Whitewater Township residents participated in a number of public engagement events. Opportunities included a survey and two public workshops. The survey was conducted in coordination with Networks Northwest and the results are available on the township's website. The following report provides a summary of the results from the public workshops.

Public engagement activities were kicked off in June of 2023 with the launch of a public survey that was mailed to residents. Copies of the survey were mailed to residents and the township received over 600 responses. Survey questions included a mix of multiple-choice questions and open-ended comment questions. Question topics focused on the current and future growth of the township including eliciting opinions about the Town's character and future development. After responses were received, the township worked with their consultants, North Place Planning, LLC, and the Land Information Access Association (LIAA), to develop a series of two public input sessions:

- **Session 1 – Public Open House**

Date: Thursday, September 28, 2023
Location: Mill Creek Elementary School
Participants: Approximately 80-100

This session was a walk-through style open house where participants could attend at their convenience anytime between the hours of 4-7pm. Five stations were setup throughout the room each station focused on a specific topic area. Each station was comprised of multiple poster-boards that contained information specific to the topic. They also each had activities that were designed to allow participants to vote on certain questions and leave open-ended feedback.

- **Session 2 – Goals and Strategies**

Date: Tuesday, November 7, 2023
Location: Mill Creek Elementary School
Participants: Approximately 60+

Participants viewed a presentation that recapped the results of the survey and the open house. They then received recommended Goals and Strategies that were developed by the consultants that were based on the results of the input received through the public survey as well as the open house. Participants then reviewed the recommended goals and strategies and were asked to agree, disagree, suggest edits, or suggest new goals and strategies. They were also asked to consider which goals they would like to see prioritized highest and to rank each one.

Participants were split into four groups and each group focused on a specific topic area. After group discussions, each group provided a presentation to the rest of the participants to explain their results.

Advertising the public workshop began a few weeks prior to each meeting with announcements on the township's website and on signs placed along major roads throughout the community.

Public Open-House

Participants were asked to provide feedback at five stations set up around the cafeteria at Mill Creek Elementary School. Each station discussed various topics such as zoning/land-use, infrastructure, and development. Below is a summary of the feedback received from each station at the open house.

***Attached to this memo: Photos of each of the stations from the open house with the results.*

Public Open House Summarized results

2015 Master Plan

- Respect private property rights.
- Encouraging new development.
- Do NOT streamline the permit process – what does this mean? Do residents not like the current the process? What is working or not working in the ordinances or permit process?
 - Identify what ordinances need work.
 - Differentiate between what should be policies vs guidelines.
 - Clarify zoning map.

Zoning/Land-Use

Preserve, Enhance and Transform

- Downtown Whitewater Township needs some attention – what specifically do we need to address here?
- Corner of Crisp and Moore – traffic concerns, possibly a stop sign needed.
- Petobego Creek Natural Area – some attention needed.
- Battle Creek Natural Area – liked, but might need some attention.
- Whitewater Township Park – liked, but might need some attention.
- Trails in the southern portion of township are liked.
- New development near M-72 and Baggs road – potentially some room for resident concerns.

Alternative Energy

- A mix of support or dissent for alternative energy, specifically solar fields – concerns about siting and visual impact.
- Some comments about wind energy – similar concerns to solar regarding visual impact.
- Some comments and interest received regarding net-zero emissions housing.

Rural Character

- Generally, all of the pictures received positive feedback with the exception of the red-commercial/newer looking barn.

Development

Housing

- Most commercial development should be focused along M-72 near Williamsburg Road Intersection.
- Medium to high density residential areas should be near M-72 near Williamsburg. Some votes also focused near M-72 between Skegemog Point Road and Baggs Road.
- Most people favored low-density, single family dwellings on larger lot sizes with some feedback received indicating the need for smaller lot sizes to allow for lower- to moderate-income housing.
- Traditional medium to high density single-family residential neighborhoods as well as higher-density apartments or condos were not favored.
 - NOTE: Some exceptions for higher-density apartments or condos were favored with more green/open space. Lower height (one- to three- story max) would be better than anything taller.

Commercial

- Detached, single-unit Commercial development along the M-72 corridor is preferred.
- Traditional Rural American architectural styling (such as a colonial or craftsman look with gables or hip-roofs and porches), is preferred with materials such as wood or metal siding and roofs.

Downtown

- There is support to develop a more traditional downtown area in Williamsburg.
- Traditional look with seating, pedestrian scale lighting and permeable/transparent storefronts are preferred.

Infrastructure

Trails

- Generally, participants felt the trails were a positive attribute of the township.
- Some comments received indicated there could be better signage at trail heads to help locate and identify trails.
- Bike trails and walking trails could be separated.

M-72 and Traffic

- Participants were overwhelmingly supportive of limiting curb-cuts along M-72
 - Improve safety and reduce the number of opportunities for accidents.
 - Combined curb-cuts for multiple businesses.
- Some concerns around who will pay for these improvements.

Facilities

- EMS and fire facility should use some improvement. Some felt a new facility was needed or a combined EMS/Fire/Town Hall facility could be constructed.
- Public Transportation – while many felt traffic control and safety were a high priority, the integration of more public transportation was not necessary at this time.

- Town Hall - Many comments received indicated the building was in good shape or needed minor repairs. Most felt a new facility was not necessary.
- A resident posed the question as to whether or not there should be septic field inspections on lakefront property. This question was written on the general comment board and received 11 “yes” votes and four “no” votes.

General Feedback

- Support for short-term rentals is split between those opposed and those not opposed so long as there are restrictions or regulations in place.
- The condition and the need for better/more maintenance were mentioned several times.
- Many comments were directed towards enforcing the current ordinances.

Master Plan Goals and Strategies Session

Participants viewed a presentation that summarized the feedback that was received from the survey and open house. They were provided with worksheets that were developed by the consultants that outlined suggested goals and strategies to consider as well as some information sheets to describe some technical planning terms and zoning language in more detail. They were then split into four groups with each group focusing on a specific planning principle. Each group reviewed the suggested goals for their planning principal topic area and considered whether they agreed, disagreed, would suggest edits, or wanted to remove certain goals or add new ones. They then ranked the goals based on how they felt they should be prioritized.

***Attached to this memo: a working document titled “Whitewater Township Planning Principles, Goals, and Implementation.” This is the document developed by the consultants that is comprised of the recommended goals and strategies.*

Session Outline

The general outline for the session was as follows:

- 7:00 – 7:20pm
The presentation welcomed participants and discussed the following topics:
 - What is a Master Plan and why are we doing this?
 - Project background, maps, and township demographics
 - Planning Enabling Act requirements
 - Timeline – what is complete, where are we today, what happens next?
 - Explanation of “S.M.A.R.T.” Goals
 - Explain Key Performance Indicators (KPI) – aka “measurability”
 - Explanation of policies and initiatives
 - Review goals developed by the Planning Consultant/ROS
- 7:20 – 7:30 pm
 - Discuss purpose of this evening’s exercise
 - Provide instructions for the groups
 - Ground rules and respect - no criticism or judgement, focus on quality not quantity, and build on each other’s ideas
 - Role of the Moderator

- Role of the “Group Leader/Note-Taker”
 - Explain where/how groups will convene and split up
- 7:30 – 8:10 pm
 - Group activity – appoint a group leader/Note-Taker
 - Review the proposed topic area and associated goals (as provided by the ROS)
 - Ask questions and discuss
 - What are our values (as it pertains to the assigned topic area)?
 - Where are we now?
 - Wouldn’t it be fantastic if ...
 - What is liked, disliked, agreed with, disagreed with
 - Prioritize the goals
 - What do we ultimately want to achieve and why?
 - What can we do (resources available) and what will we do (five more years will not pass by without some measurable action)?
 - What is the timeline for each goal?
- 8:10 – 8:20 pm – BREAK TIME!
- 8:20 – 8:40 pm
 - Group presentations – what was discussed and why did you rank each goal where you did?
 - Audience participation – how does the rest of the room feel the group did? Was anything missed? Should we rearrange their rankings? Could be done through round of applause.
- 8:40 – 8:45pm
 - Bringing it all together – recap each group’s goals/priorities
 - Discuss next steps in the planning process
 - Discuss how people can still participate – through public hearings/meetings, mail, email, etc.
 - Thanks!

Goals and Strategies Session Summarized Results

The following is the feedback received from the Goals and Strategies participants. The order of the list is the order that the group ranked each potential goal. Goals that were not ranked are listed with bullet-points in front of them after the goals that were ranked. *Italicized* fonts are notes from the groups. Goals that were added or deleted by the groups are denoted.

***Attached to this memo: the photos of the boards with notes from each group.*

Planning Principle: Respect the Rights of the Township Residents and Property Owners

1. Have a clear, well-organized, and effective Zoning Ordinance

No comments to revise – the group liked this goal.
2. ADDED GOAL: Need to have more R-1 zoning and all zones need review

The township should have more R-1, low density zoning, however, this district should not be located along the streams. Streams should be protected, but may need a new zoning district or overlay district that may make more sense.

3. Effectively address blight in Whitewater Township.

Enforcement is key, which includes the ability to enforce. Township should consider different degrees of infractions such as fines for minor offenses and municipal civil infractions for more severe offenses that are enforceable in court.

4. Reduce future land use conflicts in Whitewater Township

Do away with cumulative zoning; some districts, such as industrial, should not have single-family homes in them. Minimize the conflicts between such uses. Provide clear definitions of each use in each zone.

5. Provide effective landscaping and buffering requirements in the Zoning Ordinance
6. Have and maintain effective regulations regarding higher-density residential development

Goals that were not ranked or addressed by the group:

- Have and maintain practical regulations concerning alternative energy facilities in Whitewater Township opportunities to develop a corridor plan for M-72 with the newly created Metropolitan Planning Organization (MPO) and associated potential funding.

Planning Principle: Preserve Whitewater Township's Rural Character

1. Have regulatory tools necessary to help maintain rural character

There should be a lot size minimum in low-density districts. This may require additional study by the Planning Commission to determine an appropriate size. The group discussion generally favored a 1 acre lot minimum so that the cost would not be prohibitive to new families or people moving in, but there was some concern about the density of the homes being too great at that level. The group felt the depth to width ration of 4:1 in the zoning ordinance was decent. It was noted that lot size was crucial and the most important goal in maintaining a rural character.

2. Maintain the rural qualities of M-72 east of Cook Road
3. Eliminate the R-1 Zoning District along the creeks and tributaries
4. Re-evaluate the repeal of Article 27: Regulations for Environmentally Sensitive Areas
5. Create an improved PUD Zoning District that developers are inclined to use
6. Review and update zoning requirements to further support agricultural tourism
7. Develop consensus about the desirability of voluntary or mandatory architectural design guidelines
8. Update the existing "Road Plan" for Whitewater Township

Planning Principle: Build a Sense of Community

1. Attract and encourage redevelopment in the “V” Village Zoning District (North of M-72 and west of Elk Lake Road).

Expand higher density development to the northwest of Williamsburg utilizing PUDs

2. Evaluate permitted uses and development standards in the “V” Village Zoning District (North of M-72 and west of Elk Lake Road) to ensure they align with the development concept of a downtown-type setting with small-scale retail, commercial services, restaurants, and upper-floor housing.

Village general zoning needs to be changed and could include residential as an incidental or secondary use that would encourage a mix of residences and commercial uses. Could also include townhomes.

3. Encourage investigations into discovering feasible central water and sewer options to support more intensive development in Williamsburg

Sewer and water would be very expensive. Explore opportunities to partner with the tribe/casino or consider other options to offset cost.

4. ADDED GOAL – Address Blight

No additional comment

Goals that were not ranked or addressed by the group:

- Pursue opportunities to develop a corridor plan for M-72 with the newly created Metropolitan Planning Organization (MPO) and associated potential funding.
- Develop a general non-motorized plan for Whitewater Township
- Create a local community development foundation (CDF) or establish partnerships with existing CDF's.
- Maintain and Develop Partnerships with the Elk Rapids School District

Planning Principle: Encourage Economic Opportunities

1. Pursue designation as a “Redevelopment Ready Community” through the Michigan Economic Development Corporation (MEDC)

Grants and guidance from the state would be key to developing Downtown Williamsburg as well as other infrastructure needed to support higher density development.

2. Update the C-1 (Commercial) Zoning District

Update to protect property rights, improve facades, and improve trees and landscaping.

3. Update the N-1 (Industrial) Zoning District

Expand the industrial area or possibly add a second area.

4. Develop consensus about the desirability of voluntary or mandatory architectural design guidelines in C-1 (Commercial)

Only should apply to commercial districts, not residential. Add tree and landscape standards, enhance signage requirements and reduce the timeframe for approval.

5. Address the issue of Short-Term-Rentals (STR) in Whitewater Township

2/3 of residents say yes to allowing short-term rentals with some kind of regulation; possibly use a licensing system and limit the number each household could obtain.

6. Define and capitalize on the potential to use existing rail networks

Could better utilize the abandoned rail track south of downtown Williamsburg.

7. Invest in township facilities as development catalysts

School property could be used as a multi-purpose building, such as a shared community center space.

****Attachments:**

- *Open House – Photos of each of the panels from the five stations used to collect public input*
- *Goals and Strategies Session – “Whitewater Township Planning Principles, Goals, and Implementation” document used in the workshop*
- *Goals and Strategies Session – Planning Workshop Resource Sheets used during the workshop*
- *Goals and Strategies Session – Photos of the boards from each group*

Attachment 1:

Open House – Photos of each of the panels from the five stations used to collect public input

2015 Master Plan Revisit

Green = Yes/Keep

Orange = Not sure/Maybe

Red = No/Do not keep

Respect the Rights of Township Residents and Property Owners

Respect private property rights as guaranteed by the State of Michigan and United States Constitutions.

Encourage new development in areas with infrastructure that is available or attainable.

Encourage land uses that are compatible with adjacent land uses.

Encourage the cleanup or containment of blighted and/or contaminated sites.

Increase awareness of land use issues and the techniques available to address land use issues.

Preserve Whitewater Township's Rural Character.

Encourage development that retains or mimics natural features.

Encourage guidelines that preserve the environmental integrity of Township floodplains, wetlands, watersheds and water bodies.

Encourage community sewer and water systems in areas of the greatest environmental need.

Encourage the continuation of hunting, fishing, trapping, and other outdoor recreational opportunities.

What is rural character?
Support to retain as much more housing.

Encourage
Community Solar
Retrofitting
Health, Energy,
Climate

2015 Master Plan Revisit

Green = Yes/Keep

Orange = Not sure/Maybe

Red = No/Do not keep

Build a Sense of Community

Encourage social and cultural activities for year-round and seasonal residents.

Recognize and preserve the scale and compact nature of the commercial district.

Support and encourage the development and implementation of a recreation plan.

Encourage preservation of historically significant features within the Township.

Encourage Economic Opportunities

Support property owners who engage in home occupation activities which are in character with the area/neighborhood.

Support business, agricultural production and agritourism.

Streamline the application process for development.

Encourage municipal infrastructure for the benefit of the Township and areas of the greatest need.

Amey, Val
Amey, Val

Electricity
Building &
Transportation

Encourage
local character
of the district

How about
following the
Good Roads

We need to get
residents
united &
create
a vision for
the township

Follow
the
Ordinances

Alternative Energy

GREEN sticky dot Where should alternative energy facilities be located? **RED sticky dot** Where should alternative energy facilities absolutely not be located?

Legend:

- Major Arterial
- Minor Arterial
- Local Roads
- Battle Creek Trail
- Boardman River Trail
- Iron Belle Trail
- North Country Trail
- Sand Lake Trails
- Shore to Shore
- VASA; VASA Marked Singletrack
- State Land

Parks:

- 1 Whitewater Township Park and Campground
- 2 Petobago Creek Natural Area
- 3 "Hi" Pray Park
- 4 Battle Creek Natural Area
- 5 Lossie Road Nature Trail

Community Facilities:

- 6 Mill Creek Elementary School
- 7 Whitewater Township Hall
- 8 Whitewater Township EMS

Support Community Sales
Rep. John Kell
Soppe, Council Hill
Eliminate Sales Cap.

WWT does not have the space for alternative energy facilities. Visual and environmental impacts would be huge.

Q14A - Large solar or wind facilities are not uncommon in Michigan (Neighboring Acme Township approved 50-acre solar farm off M-72). Large solar or wind facilities produce larger amounts of power delivered to the grid and do not include individual systems serving individual properties (i.e., solar panels on rooftops). There are no current plans for an alternative energy facility in Whitewater Township, but what are your thoughts about such a facility in the future?

Response	Count
I support alternative energy and...	280
I support alternative energy, but I...	100
I do not support alternative...	20

Field:

Response	Count
I support alternative energy and believe that the environmental benefits outweigh the impacts on the appearance of the local rural landscape.	76
I support alternative energy, but I also want to see basic approval conditions to minimize impacts on the appearance of the local rural landscape.	321
I do not support alternative energy systems in a township like Whitewater.	198
Total	595

Incentivize bldg electrification of homes. Build Net Zero Homes and Commercial Bldgs.

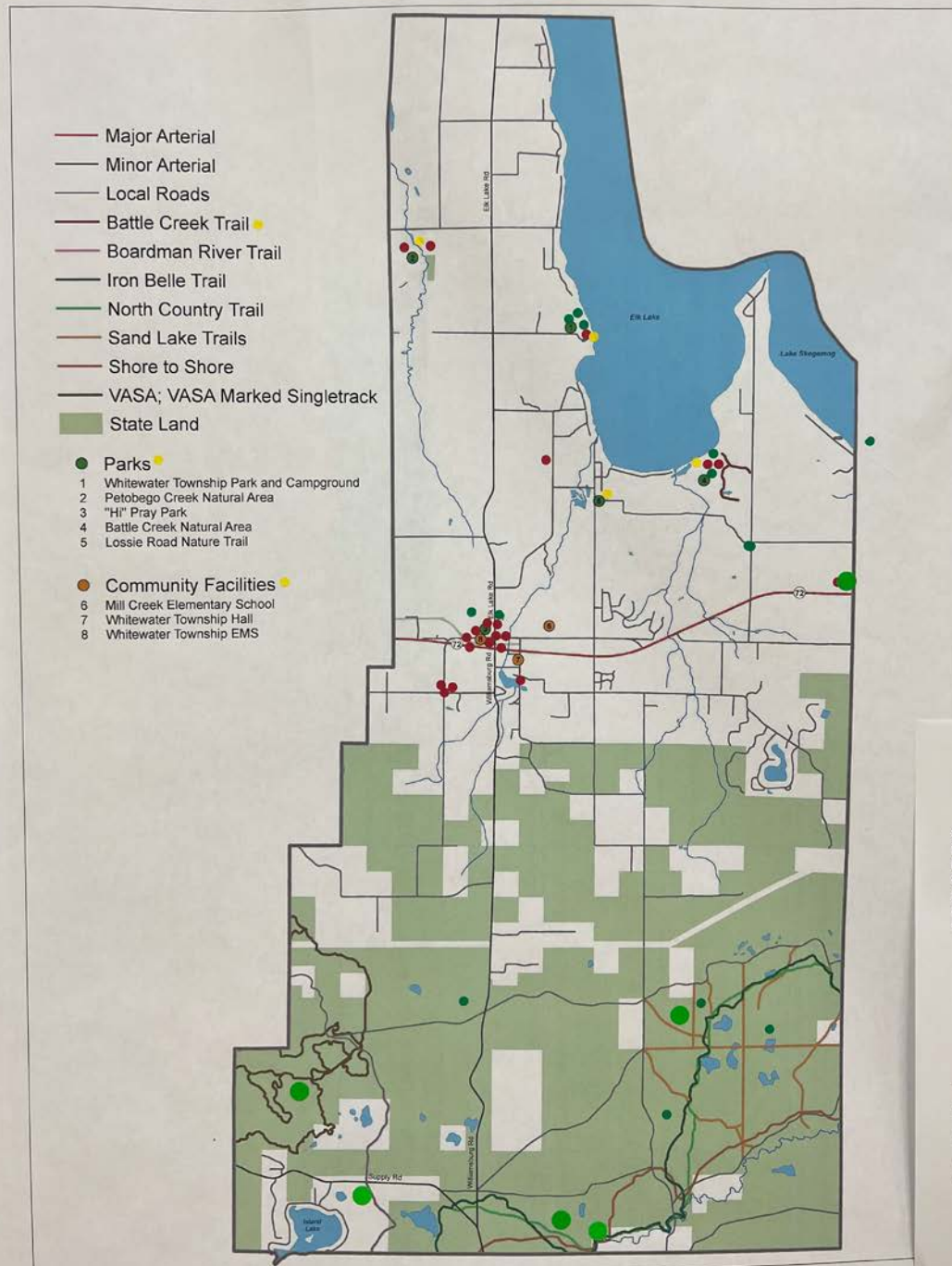
Q8A - Much of the land North of M-72 in Whitewater Township is...

Preserve, Enhance and Transform

PRESERVE — these are the things that are great — keep them just how they are! **GREEN** sticky dot

ENHANCE — there are already positive things happening here, how can we make them even better? **YELLOW** sticky dot

TRANSFORM — what could this look like or how could it be better? **RED** sticky dot



Q14A - Large solar
(Neighboring Acme
Large solar or wind
to the grid and do n
properties (i.e., sola
an alternative ener
thoughts about suc

I support alternative energy
I support alternative energy
I do not support altern

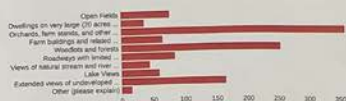
Field

I support alternative energy
I support alternative energy
I support alternative energy
I do not support alternative e
Total

What else would you like to acknowledge?

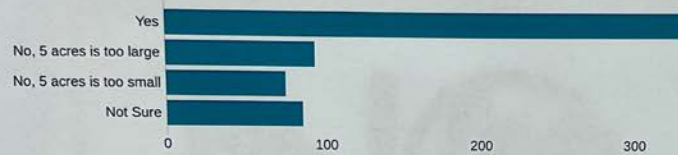
What else would you like to acknowledge?

Q6 - Loss of rural character is sometimes mentioned as a concern when new development is proposed. However, the term "rural character" can be vague. Please indicate two of the following landscape elements that you most associate with rural character in Whitewater Township.



Factor	Choice Score
Open Fields	76
Dwellings on very large (20 acres or more) parcels	38
Orchards, farm stands, and other agricultural land	35
Farm buildings and related architectural elements	27.7
Woodlots and forests	23
Roadways with limited developments on either side	84
Views of natural stream and river corridors	44
Lake Views	59
Extended views of undeveloped land across the landscape	134
Other (please explain)	16
Total	1,154

Q9A - Much of the land South of M-72 in Whitewater Township is zoned Recreational (RC-1). The minimum required parcel size in the RC-1 District is 5 acres (217,800 square feet – or about 300' x 725'). In your mind, is this 5-acre minimum parcel size appropriate in the RC-1 District?



Field	Choice Count
Yes	329
No, 5 acres is too large	93
No, 5 acres is too small	74
Not Sure	85
Total	581

Yes. In the Recreational area it is appropriate.

The 5-acre minimum lot size in RC-1 (or anywhere in the township) discriminates against lower income people. Absolutely should be reversed and not expanded.

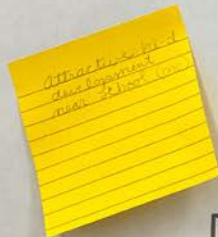
Development: Location

Where should low-density residential neighborhoods be located? Indicate with a **YELLOW** sticky dot
Where should higher-density residential neighborhoods be located? Indicate with a **GREEN** sticky dot
Where should commercial development be located? Indicate with a **RED** sticky dot

- Major Arterial
- Minor Arterial
- Local Roads
- Battle Creek Trail
- Boardman River Trail
- Iron Belle Trail
- North Country Trail
- Sand Lake Trails
- Shore to Shore
- VASA; VASA Marked Singletrack
- State Land

- Parks
- 1 Whitewater Township Park and Campground
- 2 Petobego Creek Natural Area
- 3 "Hi" Pray Park
- 4 Battle Creek Natural Area
- 5 Lottie Road Nature Trail

- Community Facilities
- 6 Mill Creek Elementary School
- 7 Whitewater Township Hall
- 8 Whitewater Township EMS



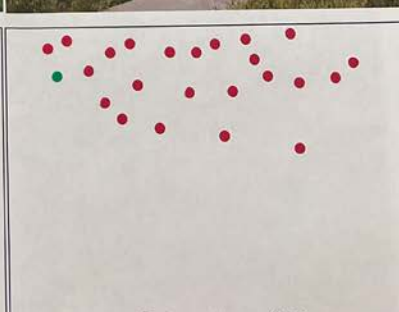
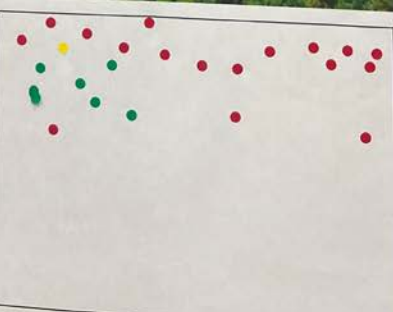
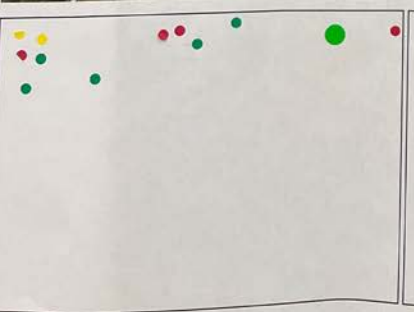
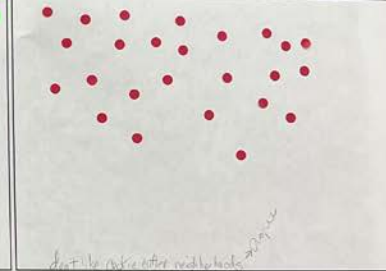
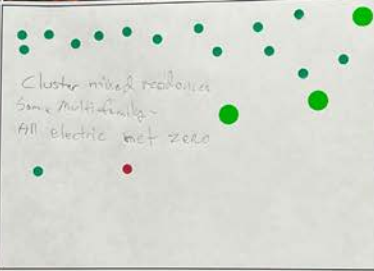
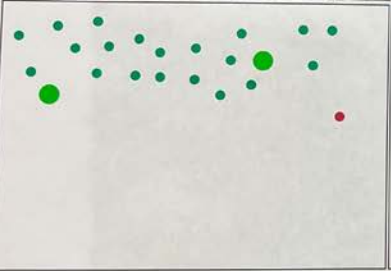
Development: Housing

The U.S. Census is estimating that the township will gain residents over the next few decades. We also know from the most recent survey that maintaining the rural character of Whitewater Township is important to the residents.

How should the township balance that growth while maintaining its identity?

Imagine 500 new residents move into the township — what would their new homes/neighborhoods look like?

You may leave a comment and explain why you do or do not like certain types of housing options — please keep comments brief so that others have an opportunity to provide feedback. **GREEN** for “Pros” and **RED** for “Cons”

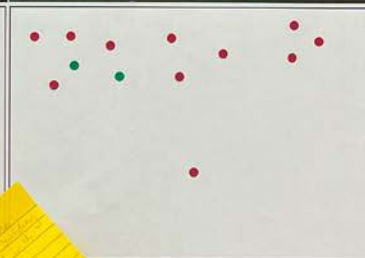
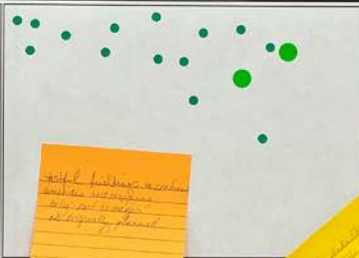
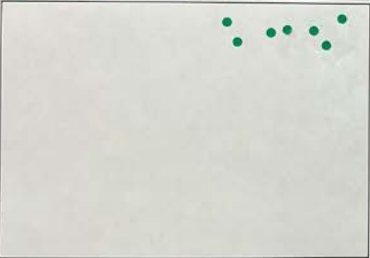


Development: M-72

M-72 is the most heavily trafficked corridor in the township and it is the only region that would be considered traditional commercial development. It is a major throughfare that drivers pass through on their way to or from Traverse City.

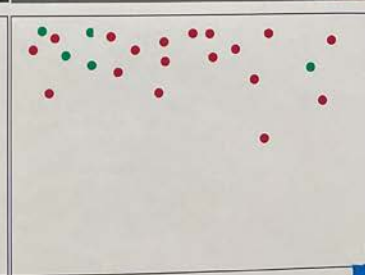
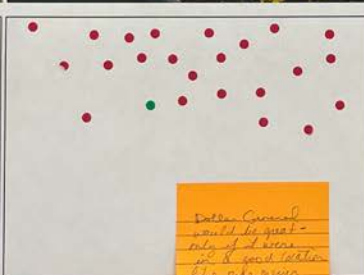
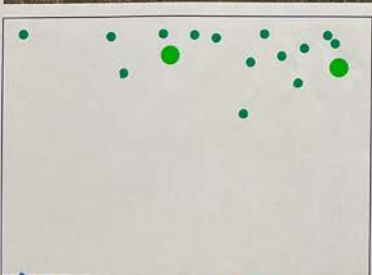
What should the development in this corridor look like? Below are some photos that show current buildings along the corridor as well as some samples from other communities. Use a **GREEN dot** if you like it and a **RED dot** if you do not.

You may leave a comment and explain why you do or do not like something — please keep comments brief so that others have an opportunity to provide feedback. **GREEN** for “Pros” and **RED** for “Cons”



Red building would be great -
but the red building
is not unique
it's just a barn

Red building would be great -
but the red building
is not unique
it's just a barn



Dollar General
would be great -
only if it were
for a good reason
like a new store
or a new location

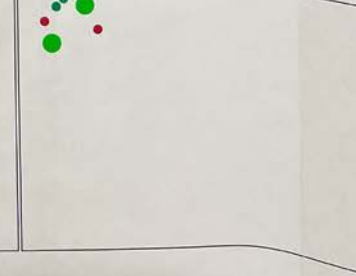
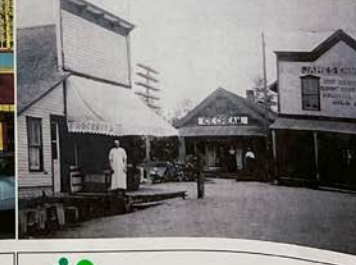
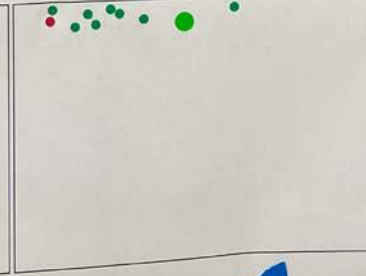
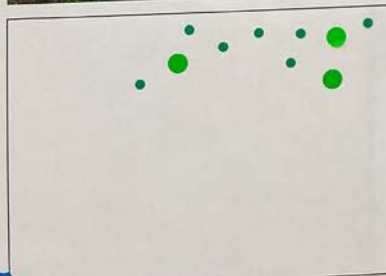
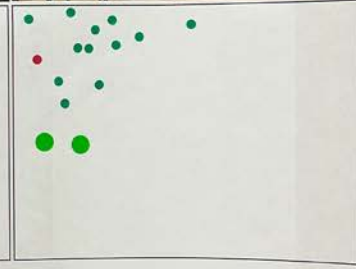
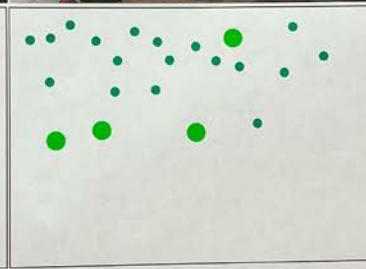
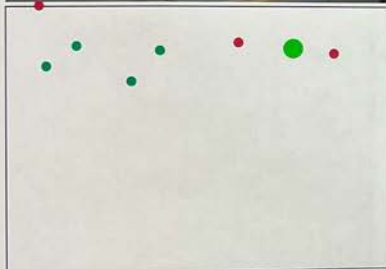
Scenic and

Development: Downtown

Downtown Williamsburg is located near the intersection of Williamsburg Road/Elk Lake Road and Old M-72. In the past, there was what some may have considered a "traditional" downtown. Residents have indicated there is interest in having a traditional downtown again.

What should the downtown look like? Below are some photos that show current buildings along the corridor as well as some samples from other communities. Use a **GREEN dot** if you like it and a **RED dot** if you do not.

You may leave a comment and explain what you do or do not like in any of the pictures — please keep comments brief so that others have an opportunity to provide feedback. **Green for "Pros"** and **Red for "Cons"**



Q1:
cor
bul
star
red
sce

Enc

Handl

Encor
rentile

Encor
Estat

Some

Total

Development Comments

many
ob, fire
d
owing

51

420

Choice
Chart

429

54

97

580

• Focus
Commercial
Development
By M72 corridor
• No commercial
Development on
Cook Road

would like to see
better requirements for
access, green space and
cycling facilities to make
these developments more
attractive and encourage
people to walk and cycle
more

Keep natural elements
in the landscape of the
road corridor
e.g. light pollution, noise
and other commercial
developments

No Commercial
Development on
Cook Road
Slowly build
up the corridor

Protect trees
No high speed
on the road

Electrify Everything
for health, economy, climate

A place for kids
can engage with
activities, a walking
path that does a
little more

I think a better
way to develop a road
is to have a lot
of green space and
cycling facilities in the
middle of the road
and then have the
road on the sides of
the green space

at the very least
can it be cleared
up? looks like
a great road

Support the
road corridor
we need more
development in the
middle

Bring a Home Depot/
Mervin's

When you think about
the landscape
development, it's important
to think about the
landscape. Some people
think it's just about
the road.

Support the
road corridor

Control short-term
rentals to provide
more local housing
for families who
can then
work locally

Enforce
clean up of the
roadway on the
Final

It would be nice
to have a clean
roadway with
some chairs

There are a lot of
people who don't
like the road. They
don't like the road
because it's too
wide and they don't
like the road.

Let's think about
the road. It's a
great road.

Bring a small
home town restaurant
for the road

Enforce
STR
restrictions

Infrastructure: Facilities



Fire/EMS

Do you feel the Emergency Services in Whitewater Township are adequate?

Should the Fire/EMS Building be improved/updated?

Comments

When chief gets a new car, make it electric.

Not spending too much on a place that's not too big. I think it's better to have a smaller building that's better equipped for what it's intended.

No. Not adequate.

Special all emergency equipment on fire building.

I support the idea of a new building. It's a good idea.

Upgrade Fire/EMS. Really need entire replacement. Training & construction.

Township needs a new fire hall. It's old.

We need a new Fire/EMS facility.

More. Upgrade. too high. Consider cut down before passing.

Upgrade. I think it's better to have a smaller building that's better equipped for what it's intended.



Public Transportation

Do you feel that public transportation services are adequate?

Currently, there are no bus stops in the township—should there be? If so, where?

Comments

Not needed - not a high use township.

Traffic Control is a must! Our downtown needs a Re-do...



Township Hall

Should the Township offices be improved/updated? What types of updates would improve services?

Comments

Current building seems adequate.

Add a library and garden to property.

Building is good. Modernize.

Some adequate cost to much - don't need higher taxes!

Modernizing. Making it more functional.

It's in good shape. Repair here & there.

It's a good building. It's a good building. It's a good building.

It's a good building. It's a good building. It's a good building.

Current township hall was supposed to be replaced. The township should have a top hall that is being properly maintained.

Infrastructure: Trails

One significant trail in Whitewater Township is the Iron Belle Trail which connects Belle Isle (in the Detroit River near downtown Detroit) to Ironwood in the western Upper Peninsula. The Iron Belle Trail is 2,000 miles long and it crisscrosses more than half of Michigan's counties along two distinct hiking and biking routes. The biking route utilizes many of the state's existing bike paths, bike lanes and designated biking routes as it travels up the east side of the state. The hiking route (which goes through Whitewater Township) utilizes sidewalks, trails, and the 1,000-mile plus North Country National Scenic Trail traveling up the west side of the Lower Peninsula. The trail is still under development and is more than two-thirds complete. When done, it will be the longest state-designated trail in the nation. The west leg of the Iron Belle Trail travels through southern Whitewater Township.

An illustration of all trails in Whitewater Township is provided to the right. It should also be noted that TART (Traverse Area Recreation and Transportation Trails, Inc.) is a local 501(c)(3) nonprofit organization. The mission of this organization is to provide and promote a trail network that enriches people and communities throughout the greater Grand Traverse region. The TART Trail network is within and near Whitewater Township. The Boardman/Ottawa River Trail is a 24-mile trail that crosses Supply Road west of Williamsburg Road.



What are your thoughts on the trails?

Do we need more? If so, where?

Are the township trails adequately connected to the region?

What facilities need to be added or improved?

Self walking loop
at township park

Road & Stream Access Points

would like to see
trails in areas
where there are
many rivers or
streams to help
connect with
the town centers
(like Lake Michigan)
and

I have never
heard of the
Iron Belle trail
Better signage?
In some of the
trails for safety
-direction-

More bike trails
for example a trail
that connects to the
Tart Trail

* improve parking
is a must for
those pulling campers
trucks.
* trail improvements

Reconnect BCNA to
Etik Lake

Infrastructure: M-72

M-72 is a high-speed, heavily trafficked corridor that is the center of commercial development in the township. There are a number of reasons why it is important to consider what infrastructure in this corridor will look like as more businesses change ownership or new businesses are developed.

Combining access drives, also known as driveway consolidation or access management, is a planning and design strategy used in transportation and urban development to improve safety, traffic flow, and overall efficiency. Access management should be carefully planned and executed to balance the needs of various stakeholders, including property owners, businesses, commuters, pedestrians, and local communities. Here are several reasons why combining access drives might be implemented:

Safety Improvement: One of the primary reasons for combining access drives is to enhance safety on roads and streets. Multiple driveways or access points close to one another can lead to conflicts between vehicles and pedestrians, create weaving movements, and increase the risk of accidents. By consolidating access points, you can reduce the number of conflict points and improve safety for all road users.

Traffic Flow: Multiple access points can disrupt the flow of traffic by causing congestion, especially during peak hours. Combining access drives can reduce congestion and improve the overall traffic flow, benefiting both commuters and businesses in the area.

Efficiency: Consolidating access drives can improve the efficiency of transportation networks. When access points are combined or reduced, it can lead to smoother traffic operations, shorter travel times, and reduced delays for motorists.

Pedestrian Safety: Access management is not only about vehicles; it also takes into consideration the safety and convenience of pedestrians. Fewer access points mean fewer potential conflicts between pedestrians and vehicles, making it safer for people walking or using crosswalks.

Accessibility: Improving access management can enhance accessibility for individuals with disabilities. Well-designed access points can provide safe and convenient crossing opportunities for people with mobility impairments.

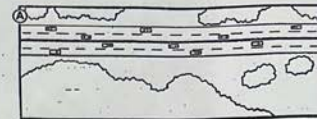
Land Use Planning: Combining access drives is often part of a broader urban planning strategy. It can help guide and control development in a way that ensures the efficient use of land and promotes a more sustainable, walkable, and transit-friendly urban environment.

Economic Benefits: Enhanced access management can benefit businesses by improving the visibility and convenience of commercial properties. When access points are strategically located and consolidated, it can make it easier for customers to access businesses, boosting their economic viability.

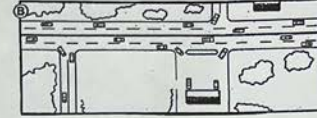
Aesthetics: Combining access drives can lead to a more aesthetically pleasing streetscape. It can reduce visual clutter and create a more attractive environment for residents and visitors.

Environmental Impact: Reduced congestion and smoother traffic flow resulting from access management can contribute to lower fuel consumption and reduced emissions, which align with environmental sustainability goals.

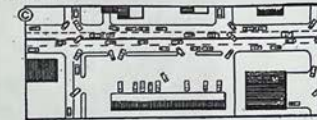
Cumulative Impact of Increased Roadside Development ...



What happens when unrestricted development takes place ...



over time ...



Source: Center for Transportation Research and Education, Iowa State University, Iowa Access Management Guidebook, October 2000, p. 19.



Minimum Horizontal Offset Distance Across Street Right-of-Way



Aligned on Driveway Centerline Across Street Right-of-Way



Combined access drives for multiple businesses provide improved safety for motorists. Limited crossing points for pedestrians decreases the opportunity for vehicle/pedestrian accidents. Uniform landscaping and development patterns create an aesthetically improved look.



Unregulated access drives lead to reduced pedestrian and motorist safety by increasing the opportunities for vehicular deceleration and more points of conflict. It can also lead to driver confusion when looking for a drive to access a specific business.

Would you support the township developing regulations to improve the M-72 corridor to assure that it remains safe, efficient, and an economic hub for the township? GREEN for "YES" and RED for "NO"

YES



Is the township going to pay for this? No to Ap. Stock. Should not have to pay for this.

NO

Infrastructure Comments

Would you be in favor of septic field inspection on lakefront property? •••

••• Yes. Inspect septic fields. Support state wide regulation.

Yes, keep our lakes clean.

• NO

Turn Lane all through Business on M72

• Light @ M72 + Williamsburg Rd needs new sensor and/or flashing red (in automatic lanes)
(current wait times 3-12 min)

• Enforce speed limit on Williamsburg Rd. Cus are passing at 40mph in non-passing zones

Are ^{current} speed limits appropriate in WWT?

• yes

Vinton needs to be slowed to 35 mph.

Open House Station: General Feedback

General Feedback

What else would you like to acknowledge?

Q13 - Short-term rentals (i.e., Airbnb and VRBO) of private residential homes occur in some communities, and this activity is particularly popular in Northern Michigan. The term "Short-term rental" typically means the rental of a dwelling unit for less than 30 consecutive days. What are your thoughts about whether short-term rentals should be allowed in Whitewater Township? (Note: A Bed and Breakfast is different from a short-term rental and is permitted as a Special Use in Whitewater Township, and state law could change how a local government may regulate short-term rentals in the future).



Final

Short-term rentals should be prohibited in Whitefisher Township.

Short-term rentals should be regulated in Whitefisher Township without any local regulation.

Whitefisher Township should regulate short-term rental activity in some fashion (i.e., licensing mechanisms, limits for how many short-term rentals a property owner could operate, limits on how many short-term rentals can be approved in a community, etc.)

Not Sure

Total

General Feedback

What else would you like to acknowledge?

Road Construction

ROADS are costly. Let's Re Examine the Process !!

Zoning Enforcement

This is a good point about what we need is a clear, consistent vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Support. Acknowledge. Listen. Be open. Be honest. Be clear. Be consistent. Be clear. Be consistent. Be clear. Be consistent.

PUT CAP ON EAST SIDE OF ST. LOUIS ST. ROAD

Need to have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Minimum Property Size, Low Density Housing

OUTLINE STR 11

ADDITIONAL INFORMATION

Learn up around the pool office

Don't allow street racing

Let's have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Outstanding enforcement is needed. Property size, low density housing.

We need to support the local people. The speed of it is a major concern. We need to support the local people. The speed of it is a major concern.

Short term rental rules should be enforced

Don't allow street racing

Most people don't want to see a car crash. It's a major concern. We need to support the local people. The speed of it is a major concern.

Let's have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Outstanding enforcement is needed. Property size, low density housing.

We need to support the local people. The speed of it is a major concern. We need to support the local people. The speed of it is a major concern.

Need to have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

If you make a mistake, you're going to be in trouble. You're going to be in trouble. You're going to be in trouble.

Need to have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Let's have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Outstanding enforcement is needed. Property size, low density housing.

We need to support the local people. The speed of it is a major concern. We need to support the local people. The speed of it is a major concern.

Thank you for being there. We need to be clear about what we want to achieve and what we need to do to get there.

Let's have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Outstanding enforcement is needed. Property size, low density housing.

If you make a mistake, you're going to be in trouble. You're going to be in trouble. You're going to be in trouble.

Let's have a clear vision of what we want to achieve. We need to be clear about what we want to achieve and what we need to do to get there.

Attachment 2:

Goals and Strategies Session – “Whitewater Township Planning Principles, Goals, and Implementation”
document used in the workshop

Whitewater Township Planning Principles, Goals, and Implementation

Ultimately, a community master plan must chart a course for the future. While a community's vision for itself in the future can be expressed in multiple ways, the essential elements of community planning come down to defining where a community "wants to go" and implementation steps describing "how it intends to get there."

The steps to define "where Whitewater Township intends to go" began by revisiting the goals described in the 2015 Master Plan. This review revealed the fact that the four master plan goals (and bullets thereunder) are not goals in a strict sense but rather are general statements about what Whitewater Township values and hopes to encourage. These overarching principles are pertinent to many local planning issues but do not articulate a clear policy or provide actionable steps forward. They can, however, be used as a framework for more specific, actionable goals and implementation steps.

In considering and developing more specific community goals, two major considerations were to view them through the lens of current community attitudes (survey and workshops) and use a framework called "SMART goals" as much as possible. SMART goals help to define clear, realistic, and measurable targets. SMART is an acronym that stands for:

Specific: The goal should be well-defined and clear.

Measurable: The goal should have criteria for measuring progress and success.

Achievable: The goal should be attainable and not impossible.

Realistic: The goal should be within reach and relevant.

Time-bound: The goal should have a clear start and end date.

Given the development of SMART goals, implementation steps in a community master plan often fall into two general categories. First, policies are developed to help the community respond to future requests for action or provide guidance for future actions as opportunities present themselves. This might include information on how to respond to future rezoning requests. Second, initiatives are developed to define action items that must be completed to achieve something. This might include developing new zoning standards, procedures, or special planning studies to address a key issue. Defined initiatives should be associated with a sense of priority and timeframe.

Planning Principle: Respect the Rights of the Township Residents and Property Owners.

Context: The rights of residents and property owners can be infringed upon in several ways. These include:

1. No one is served by poorly drafted or ambiguous zoning requirements that create confusion, permitting delays, and legal challenges.
2. A lack of consistent zoning enforcement can leave property owners unprotected from nuisances and diminish property values.
3. Blighted areas in Whitewater Township reduce property values and discourage investment.
4. Existing permitted and special uses in various zoning districts may create land use conflicts (i.e., residential uses are currently allowed in the industrial zone).
5. Effective and reasonable landscaping requirements in the zoning ordinance can mitigate visual and noise impacts between dissimilar land uses.

Potential Goals	Initiative	Policy
1. Have a clear, well-organized, and effective Zoning Ordinance. This includes current and future steps to improve the clarity of the existing zoning ordinance so that requirements and standards are unambiguous. This also includes preparing, updating, and adopting a Zoning Map linked to the Zoning Ordinance that plainly defines the boundaries of all zoning districts.	X	
2. Effectively address blight in Whitewater Township. Specific steps include updating the Township Junk Ordinance (38) (and any other related ordinance) as necessary and providing for an effective enforcement mechanism as required to ensure compliance.	X	
3. Reduce future land use conflicts in Whitewater Township. Presently, the Whitewater Township Zoning Ordinance is cumulative (for example, all uses are permitted in the Industrial Zoning District). Specific steps include a review of all permitted and special uses in <u>all</u> zoning districts to ensure that they are generally harmonious and compatible. This is also an ongoing process as new land uses and development trends emerge.	X	X
4. Provide effective landscaping and buffering requirements in the Zoning Ordinance. Specific steps include reviewing and updating existing landscaping requirements, particularly regarding buffering, lighting, and noise for land uses that may have off-site impacts.	X	
5. Have and maintain effective regulations regarding higher-density residential development. Specific steps include a review of permitted density, required open space, parking area locations, lighting, etc. This is also an ongoing process as development trends emerge.	X	X
6. Have and maintain practical regulations concerning alternative energy facilities in Whitewater Township. Specific steps include creating basic regulations to allow for the development of local alternative energy production (solar panels, wind). Such regulations provide safeguards to mitigate off-site impacts. This is also an ongoing process as technology evolves.	X	X

Planning Principle: Preserve Whitewater Township's Rural Character

Context: Residents value the rural character of Whitewater Township and want to preserve it. Additionally:

1. To residents, the area's rural character is the presence of orchards, farm stands, other agricultural land, woodlots and forests, and extended views of undeveloped land across the landscape.
2. Preserving rural character also includes protecting the environmental integrity of the Township floodplains, wetlands, watersheds, and water bodies.
3. Land east of Cook Road on M-72 is largely zoned A-1.
4. There is strong support for agricultural tourism as a broad category of activities that can include roadside stands, u-pick operations, and other activities incidental to the operation of a farm that brings members of the public to the farm for educational, recreational, or retail purposes.

Potential Goals	Initiative	Policy
1. Have regulatory tools necessary to help maintain rural character. Specific steps include a focused effort to identify and evaluate potential new tools to minimize impacts on rural character. Primary options include 1) a focus on permitted density (units per acre to keep housing units more spread out) and/or 2) more stringent requirements on landscape design (home placements, retaining natural vegetation, native plantings, visual blocks, etc.).	X	
2. Maintain the rural qualities of M-72 east of Cook Road. Land next to M-72 and east of Cook Road is now zoned Agricultural (A-1). The policy of Whitewater Township should be to discourage rezoning of Agriculturally-zoned land on M-72 east of Cook Road to Commercial (C-1) or other more intensive development zoning districts.		X
3. Create an improved PUD Zoning District that developers are inclined to use. Specific steps include updating the existing PUD Zoning District to include regulatory incentives. A PUD should be an attractive option, allowing for residential density to be clustered with the preservation of unique environmental and landscape features that contribute to rural character.	X	
4. Review and update zoning requirements to further support agricultural tourism. Specific steps include reviewing existing zoning requirements for roadside stands, farm markets, u-pick operations, and other related activities incidental to farm operations. A zoning amendment would be necessary to align requirements with desirable development activity.	X	
5. Develop consensus about the desirability of voluntary or mandatory architectural design guidelines. Local preferences point toward favoring architectural styles that reflect rural qualities. Voluntary or mandatory architectural design guidelines could be based on survey and open house findings and additional study to articulate desirable features to be included in new construction. This would apply to new commercial, industrial, and multi-family development; this would not apply to single-family residences.	X	
6. Eliminate the R-1 Zoning District along the creeks and tributaries. Presently, land along streams and tributaries in Whitewater Township is zoned R-1 (a higher density and more intensive zoning district than A-1). This encourages more development in areas generally regarded as environmentally sensitive (wetlands/floodplains). Specific steps include rezoning such property to A-1 (like adjacent property).	X	
7. Update the existing "Road Plan" for Whitewater Township. Specific steps include reviewing the current Road Plan in the context of seeking the designation of local roads as Natural Beauty Roads per the Natural Beauty Road Act (Act 451 of the Public Acts of 1994). Such designation provides some protections concerning mowing, use of herbicides, tree removal, etc.	X	
8. Re-evaluate the repeal of Article 27. Article 27 contained regulations for Environmentally sensitive areas (wetlands, steep slopes, shorelines, etc.). This Article was eliminated in 2019. While this article may have shortcomings, some useful requirements should be considered for reinstated in a new zoning amendment. A review of Article 27 is warranted, and a replacement should be considered as necessary to address important issues.	X	

Planning Principle: Build a Sense of Community

Context: Like many small rural communities, Whitewater Township lacks a defined downtown and sense of place common in cities and villages. However, Williamsburg was once a commercial center, but many buildings are now gone. Additionally:

1. Three out of four survey respondents want to encourage redevelopment of Williamsburg, north of M-72, into a downtown-type setting with small-scale retail, commercial services, restaurants, and upper-floor housing.
2. Most, if not all, of the land uses in Williamsburg (south of M-72) are now residential (except for the Township Hall and the Methodist Church).
3. Places for social and cultural activities and interaction (farmers market, car shows, concerts, senior programs, etc.) are limited (except for the township park).
4. The area west of Elk Lake Road and North of M-72 is zoned "V" (Village).
5. Residents point to the need to develop more convenient bike trails and walking paths in Whitewater Township. More non-motorized transportation options in Whitewater Township would help build a sense of community.

Potential Goals	Initiative	Policy
1. Evaluate permitted uses and development standards in the "V" Village Zoning District (North of M-72 and west of Elk Lake Road) to ensure they align with the development concept of a downtown-type setting with small-scale retail, commercial services, restaurants, and upper-floor housing. Steps toward this goal may include preparing and refining land use sketches showing building mass, placement, and parking area locations. This is followed by a zoning amendment(s) to eliminate regulatory barriers to a desirable development pattern.	X	
2. Attract and encourage redevelopment in the "V" Village Zoning District (North of M-72 and west of Elk Lake Road). This might include partnerships with the Michigan Economic Development Corporation and other local or regional economic development entities.		X
3. Pursue opportunities to develop a corridor plan for M-72 with the newly created Metropolitan Planning Organization (MPO) and associated potential funding. Such a plan would identify ways to manage access to adjacent property as it develops to lessen congestion and increase traffic safety. This potentially includes topics such as future signals, roundabouts, access roads, combined access drives, turn lanes, deceleration lanes, etc., and allows for coordinated land use and transportation planning.	X	X
4. Encourage investigations into discovering feasible central water and sewer options to support more intensive development in Williamsburg. Continue to study and support investigations into possible central water and sewer options to reduce concerns over pollution and water supply and to support more intensive development in Williamsburg proper.		X
5. Develop a general non-motorized plan for Whitewater Township. Such a plan defines opportunities for bike and walking trails and creates a list of long and near-term projects that would connect to a regional non-motorized network and community facilities such as parks and schools. It may include paved road shoulders and standalone trails. Emerging partnerships include TART, the Grand Traverse County Road Commission, and the newly formed MPO.	X	
6. Create a local community development foundation (CDF) or establish partnerships with existing CDF's. Encourage and support the creation of a local community development foundation to assist with community projects related to education, environmental projects, or economic development efforts. Such an entity could be a local non-profit corporation, or partnerships with entities such as the Grand Traverse Regional Community Foundation could be formed or strengthened.	X	
7. Maintain and Develop Partnerships with the Elk Rapids School District. A focus on the Mill Creek School is warranted, given current enrollment and facility issues. At the same time, a growing community raises issues about needs such as libraries, senior centers, and related public space needs. Coordinated planning (especially regarding facilities and public buildings) is desirable and warranted.		X

Planning Principle: Encourage Economic Opportunities

Context: Whitewater Township is pro-business and seeks to provide an environment wherein people can succeed economically. Additionally:

1. Whitewater Township has an industrial area (generally south of M-72, West of Williamsburg Rd and east of Moore Road). It is home to several light industrial uses that provide jobs and a local tax base.
2. The M-72 corridor (west of Cook Road) presents opportunities for new commercial development. Residents generally desire smaller building footprints (75,000 square feet or less), mixed uses (potentially retail, services, office, residential, etc.), controlled signage, limited driveways, limited site lighting, and extensive landscaping.

Potential Goals	Initiative	Policy
1. Pursue designation as a “Redevelopment Ready Community” through the Michigan Economic Development Corporation (MEDC). This certification process signals that a community has clear development policies and procedures, a community-supported vision, a predictable review process, and compelling sites for developers to locate their latest projects.		X
2. Update the C-1 (Commercial) Zoning District. Specific steps include reviewing permitted uses, special uses, and development standards (lot sizes, setbacks, and maximum building size limitations align with desired development scenarios). Potential updates in a future zoning amendment align with the community survey results and feedback from the open house.	X	
3. Update the N-1 (Industrial) Zoning District. Specific steps include reviewing permitted uses, special uses, and development standards (lot sizes, setbacks, and maximum building size limitations) to align with desired development scenarios. Particular attention should be focused on uses currently allowed that are not industrial.	X	
4. Develop consensus about the desirability of voluntary or mandatory architectural design guidelines in C-1 (Commercial). Determine if architectural design guidelines (voluntary or mandatory) are appropriate to further rural character in new non-residential buildings in the C-1 Zone. Local preferences point toward favoring architectural styles that reflect rural qualities. Voluntary or mandatory architectural design guidelines could be based on survey and open house findings and additional study to articulate desirable features to be included in new construction.	X	
5. Address the issue of Short-Term-Rentals (STR) in Whitewater Township. Zoning regulations should be clarified, and new / updated regulations should reflect recent survey results and other feedback obtained through the Master Plan process. Any steps forward in terms of new or revised regulations should take into account any legislative changes at the state level.	X	
6. Define and capitalize on the potential to use existing rail networks. The existing rail line west of the post office may present development/redevelopment opportunities for Whitewater Township. This might include new recreation attractions such as utilizing abandoned railways for rail bikes or other forms of transportation. Whitewater Township should encourage and support efforts to use this existing rail bed and right-of-way for purposes that help stimulate redevelopment of this area.		X
7. Invest in township facilities as development catalysts. Township and public facilities (such as EMS, fire protection, township hall, etc.) are necessary to support quality public services. From a planning perspective, there are opportunities to co-locate facilities in ways that help support development and redevelopment. The Township Board, Planning Commission, and School Board should maintain close communication and collaboration to ensure related decisions create synergy, efficiency, and development catalysts where possible.		X

Attachment 3:

Goals and Strategies Session – Planning Workshop Resource Sheets used during the workshop

GENERAL ZONING INFORMATION

Like most Michigan Townships, Whitewater has a Zoning Ordinance. It was first adopted in 1972 and it divides the township into 11 Zoning Districts (see map). Each zoning district allows certain land uses. Some uses are “permitted” and some are “special uses.” Special uses require Planning Commission review and approval. Each zoning district has development standards (minimum lot sizes, building setbacks, etc.). These are summarized below:

R-1 RESIDENTIAL

Permitted Uses Such As: Single family dwellings, parks, churches (less than 5,000 square feet), etc.

Special Uses Such As: Bed and Breakfasts, churches (more than 5,000 square feet), Planned Unit Developments

Minimum Lot Size: 20,000 square feet

R-2 RESIDENTIAL

Permitted Uses Such As: All uses permitted in R-1, two family dwellings, schools, libraries.

Special Uses Such As: All special uses in R-1, Nursing homes,

Minimum Lot Size: 12,000 square feet (1 fam.), 22,000 (2 fam.)

R-3 RESIDENTIAL

Permitted Uses Such As: All uses permitted in R-2, two family dwellings, schools, libraries.

Special Uses Such As: All special uses in R-2, multi-family dwellings, townhouses and apartments

Minimum Lot Size: 12,000 square feet (1 fam.), 11,000 square feet per dwelling unit.

C-1 Commercial

Permitted Uses Such As: All uses allowed in R-1 and R-2, restaurants, offices, retail stores, equipment rental, personal services, daycare, churches.

Special Uses Such As: Any use in a building more than 10,000 square feet, drive thru, indoor recreation, multi-family, vet clinics, storage buildings, etc.

Minimum Lot Size: N/A

V Village

Permitted Uses Such As: All uses allowed in R-1, R-2, R-3 and C in buildings with a footprint of less than 5,000 square feet, apartments and offices located above commercial uses in mixed-use buildings

Special Uses Such As: Permitted Uses allowed in the R1, R2, R3, and C districts in buildings with a building footprint of 5,000 square feet or more, and any use in a building which exceeds 5,000 square feet, and drive-through services, or live entertainment.,

Minimum Lot Size: NA

N Industrial

Permitted Uses Such As: All uses permitted and as regulated within the Commercial, Village, and Residential Districts, wholesale warehouses, storage warehouses, billboards.

Special Uses Such As: Junk, scrap metal, or salvage yards, stock yards, slaughterhouses, rendering plants, meat or pelt processing establishments, heavy industry such as smelters, foundries, heavy industrial stamping operations, all special uses permitted within the Commercial, Village, and Residential Districts.

Minimum Lot Size: N/A

A-1 Agricultural

Permitted Uses Such As: All uses permitted and as regulated in Residential District R- 2, Farming of all types, including the construction and maintenance of migrant worker's quarters, Riding academies and stables, veterinarian hospitals and kennels, farm markets, private family campgrounds.

Special Uses Such As: Commercial Campgrounds

Minimum Lot Size: 40,000 square feet

RC-1 Recreational

Permitted Uses Such As: All uses permitted and as regulated within R-2, Bed and breakfast establishments providing tourist/vacation accommodations, private family campgrounds, riding academies and stables, veterinarian hospitals and kennels, hydro-electric plants, State-owned conservation lands.

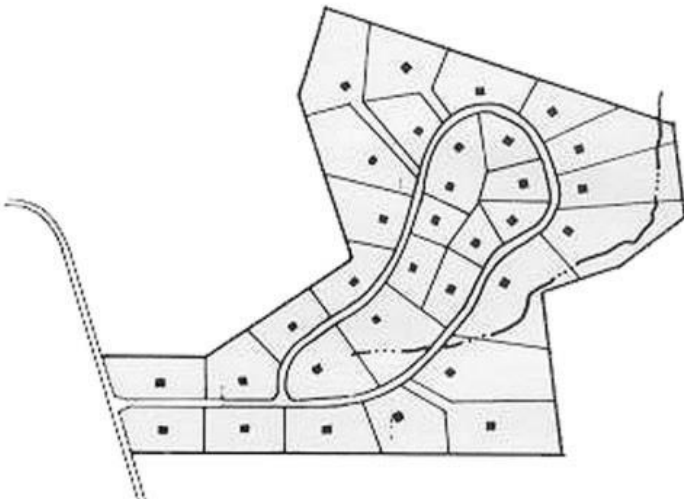
Special Uses Such As: Planned Unit Developments, commercial campgrounds

Minimum Lot Size: 5 Acres

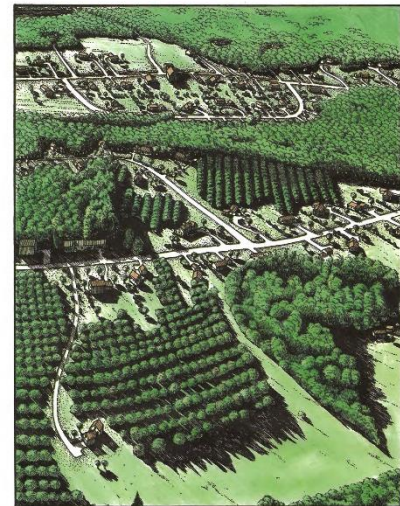
Planned Unit Developments (PUD)

A PUD is a broad category of zoning that allows for more creativity in land planning, site design, and the protection of environmentally sensitive lands not possible with conventional zoning and development practices. A PUD can allow for more compact development with common open space making, it easier to preserve environmental and scenic attributes of a site. PUDs often allow for smaller lots on some parts of the site in exchange for permanently preserved common open space elsewhere on the site. They can also allow for mixed uses (different housing types and non-residential uses).

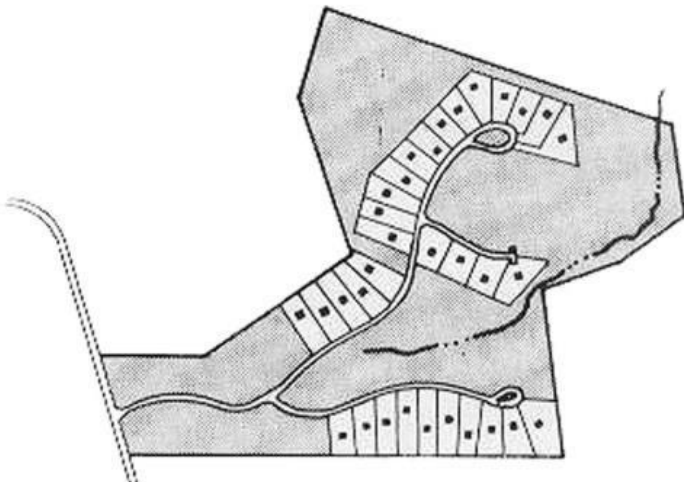
Conventional Development



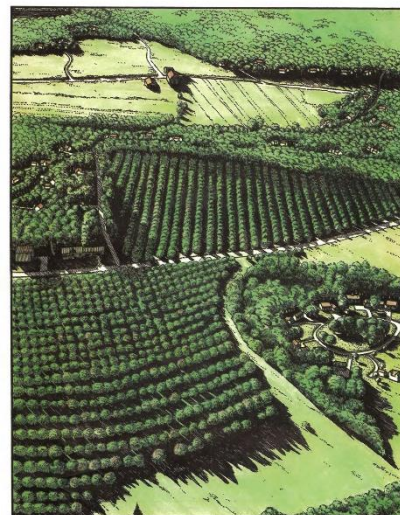
Conventional Development



Cluster Option with Preserved Open Space



Cluster Option with Preserved Open Space



Images: Dealing with Change in the Connecticut River Valley: A Design Manual for Conservation and Development. Lincoln Institute of Land Policy

REDEVELOPMENT READY COMMUNITIES (RRC)

Several years ago, the Michigan Economic Development Corporation (MEDC) created a program called Redevelopment Ready Communities (RRC). RRC is a voluntary technical assistance program offered by the (MEDC) to empower communities by building a strong foundation of planning, zoning, and economic development best practices. RRC Technical Assistance (RRC TA) match funding is available.

Some area communities now involved in the RRC program include: East Bay Charter Twp., Elk Rapids, Ellsworth, Garfield Charter Twp., Kalkaska, and Mancelona.

Best Practice – 1 (Plans & Engagement)

Evaluates community planning and how a community's redevelopment vision is embedded in the master plan, capital improvements plan, and downtown plan or corridor plan(s). It also assesses how a community identifies its stakeholders and engages them, not only during planning processes, but on a continual basis.

Best Practice 2 (Zoning)

Evaluates a community's zoning ordinance and how it meets community goals, enables the form and type of development the community is seeking and includes modern approaches to zoning. Zoning is a key tool for plan implementation and obsolete zoning regulations can discourage development and investment.

Best Practice 3 (Development Review)

Evaluates the community's development review policies and procedures to ensure they integrate predictability throughout. Unnecessary steps or unclear instructions increase time and expenses associated with development. Community leaders should look to simplify and clarify policies and increase efficiency to create an inviting development climate that is vital to attracting investment.

Best Practice 4 (Boards & Commissions)

Assesses the tools a community has put in place to strengthen their boards and commissions. Diversity on boards and commissions can ensure a wide range of perspectives are considered when making decisions on development and financial incentives. Being intentional when a community conducts recruitment and orientation for newly appointed or elected officials and board members creates a solid foundation for the community to build upon.

Best Practice 5 (Economic Development & Marketing)

Assess the community's plans to strengthen its overall economic health and market itself to create community pride and increase investor confidence. Today, economic development means more than business attraction and retention. While business development is a core value, a community needs to include community development and talent in the overall equation for economic success.

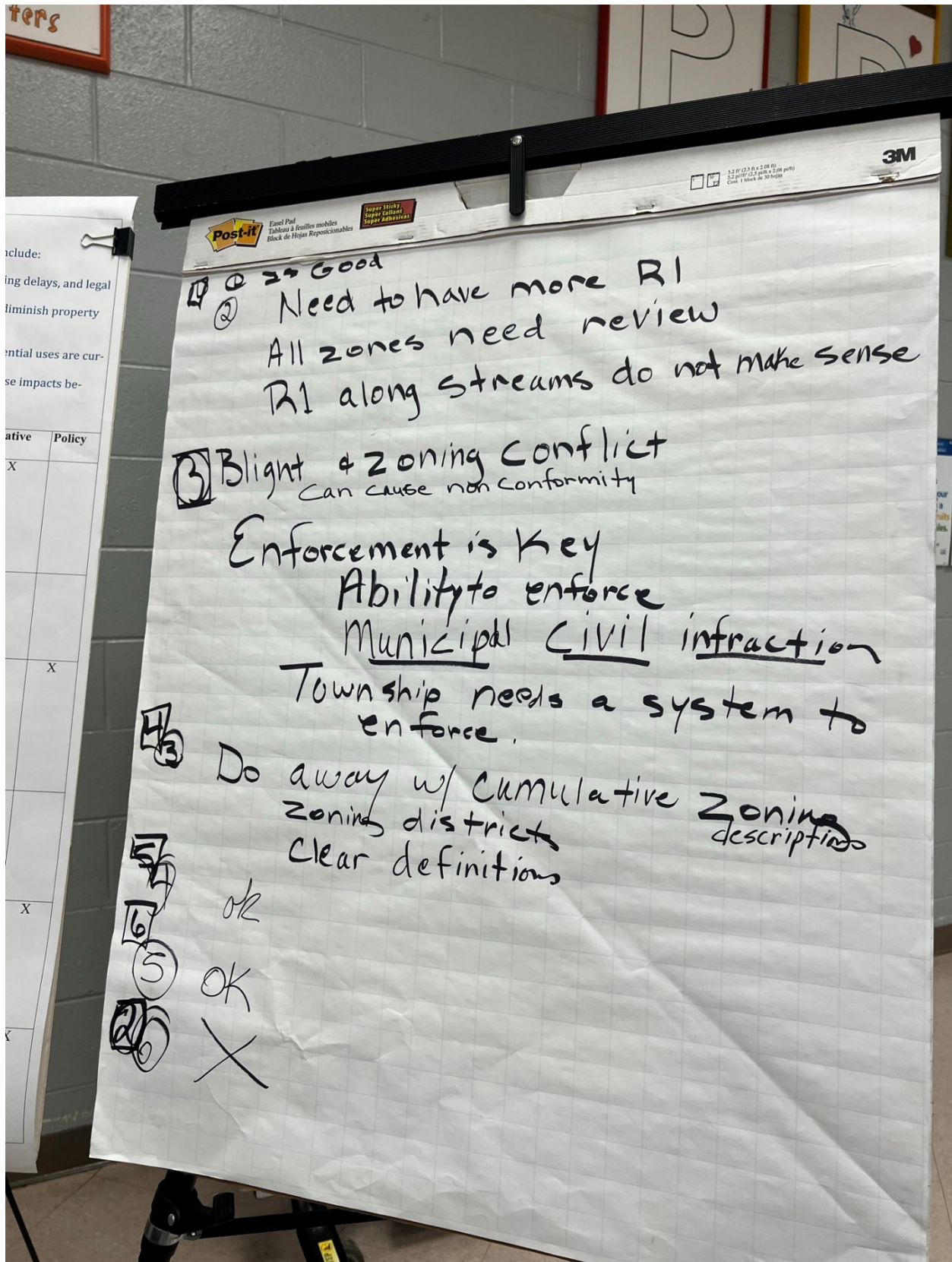
Best Practice 6 (Redevelopment Ready Sites)

Assesses how a community identifies, envisions, and markets their priority redevelopment sites. Instead of waiting for developers to propose projects, Redevelopment Ready Communities identify priority sites and prepare information to assist developers in finding opportunities that match the community's vision.

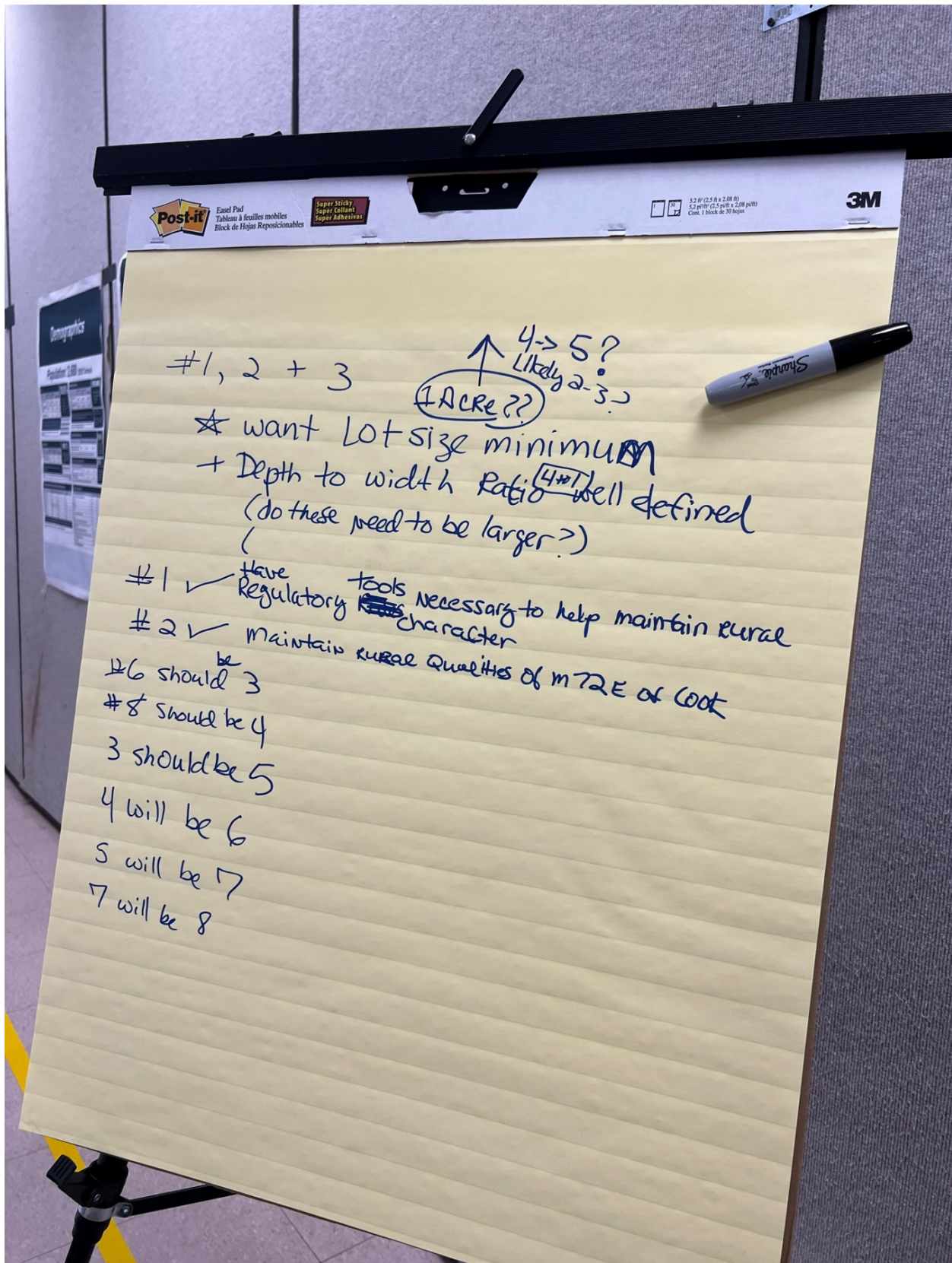
Attachment 4:

Goals and Strategies Session – Photos of the boards from each group

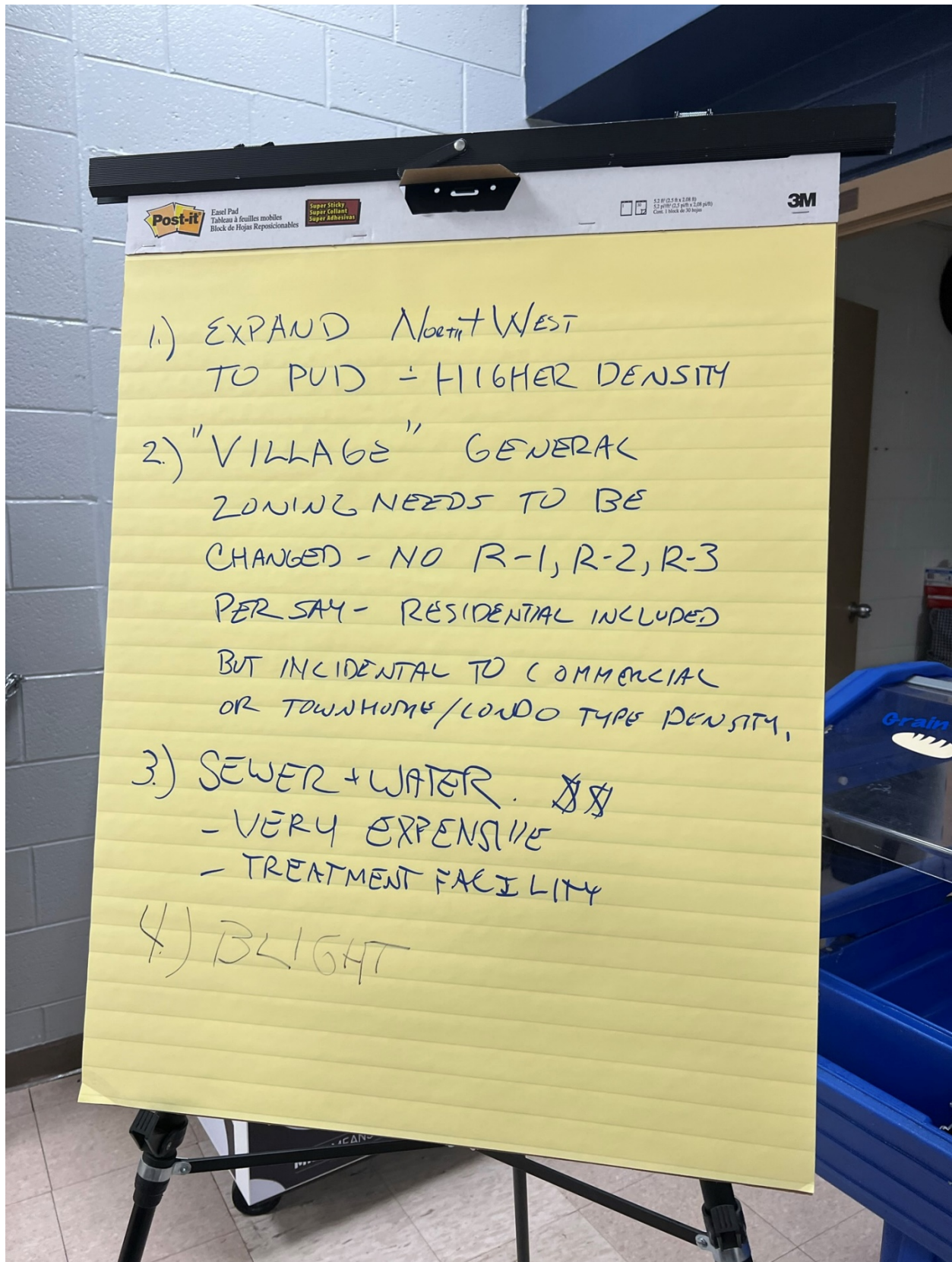
Planning Principle: Respect the Rights of the Township Residents and Property Owners



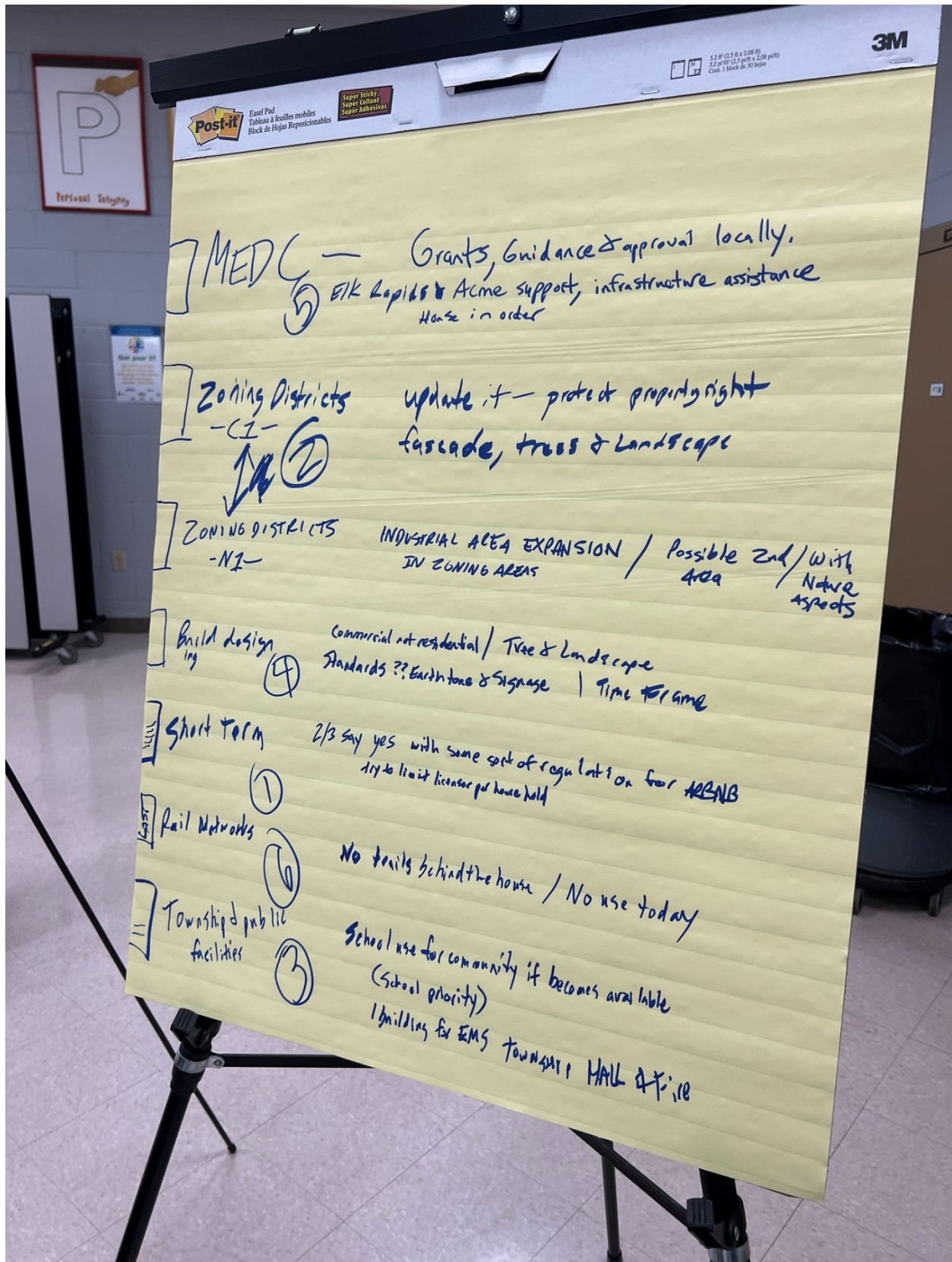
Planning Principle: Preserve Whitewater Township's Rural Character



Planning Principle: Build a Sense of Community



Planning Principle: Encourage Economic Opportunities



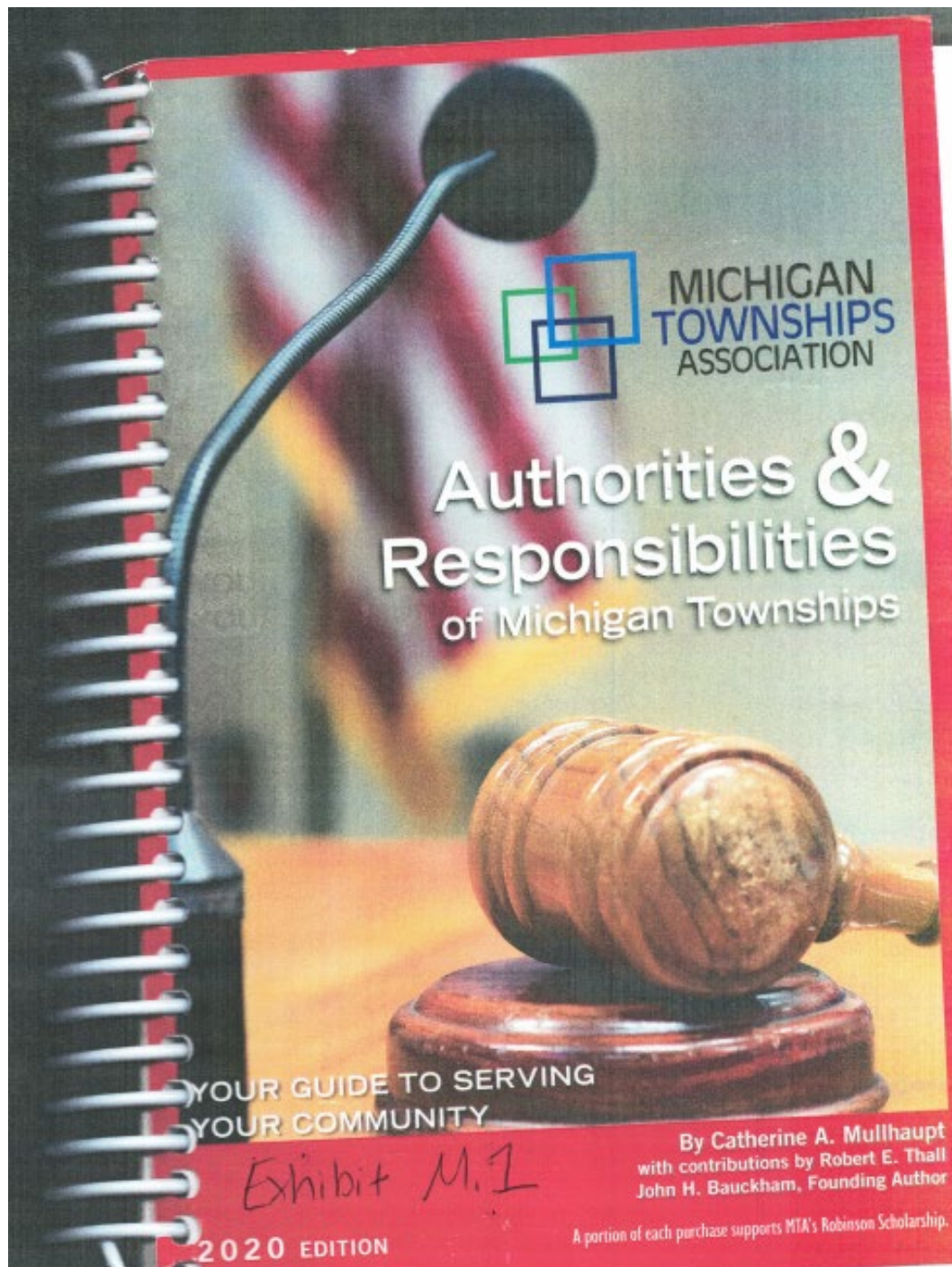
Master Plan Resident Outreach Subcommittee (ROS) Update:

The ROS was instrumental in assisting the PC with the planning, preparing, and executing the Citizen Engagement portions (Survey, Open House, and Workshop) of the Master Plan. Thanks to their focused efforts, we now have a deeper understanding of public attitudes toward important planning issues facing Whitewater Township. As we move into the final plan development phase of the process, the PC asked the ROS team to pause their formal activity and allow the PC to work through proposed goals, policies, and initiatives that will be central to the updated Master Plan. The PC has, however, encouraged the ROS team to attend and participate in the Master Plan discussions at our Regular PC meetings. We value their feedback, insight, and review to ensure we continue to reflect the valuable citizen feedback as the remaining Draft Chapters come to fruition.

An important part of the updated Master Plan will be the identification of larger Zoning Ordinance updates necessary to achieve the goals identified in our Master Plan. This is beyond the current effort to clarify the zoning ordinance and provide a more suitable foundation for more significant changes and updates. When this happens, it will be invaluable to utilize this knowledgeable, dedicated, and hard-working team to make sure we are following the direction indicated by our citizen participation efforts.

The following screen shots are taken from the TB Board Regular 10/10/2023 Meeting Packet (pages 215-218) to illustrate and help prepare the TB for their role in the Master Plan's completion.

https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/2023.10.10_agenda_packet.pdf



CHAPTER 15: Land Use

A planning commission must adopt bylaws and keep minutes, including its resolutions, transactions, findings and determinations. (MCL 125.3819)

Budget

A planning commission must make an annual written report to the township board concerning its operations and the status of planning activities, including recommendations regarding actions by the township board related to planning and development. (MCL 125.3819)

After preparing the annual report, a planning commission may prepare a detailed budget and submit the budget to the township board for approval or disapproval. The township board annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county or other local government or private grants, contributions or endowments. (MCL 125.3823)

Planning commission members may be reimbursed for expenses and may receive compensation as fixed by the township board. (MCL 125.3823)

A township board may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses within a budget authorized by the township board. A township board could delegate this authority to the planning commission or another official. (MCL 125.3825)

Master plan

The planning commission is required to develop and recommend a master plan for the future development of the township and which would guide future zoning ordinance amendment decisions. (MCL 125.3831)

The master plan can cover anticipated development of the township over the next 20 years or more. (MCL 125.3833)

To accommodate cooperation, the commission is required to send notice of its intention concerning the future development of the township to the planning commission of each contiguous local unit of government that has a planning commission or to the legislative body

Exhibit M.2

CHAPTER 15: Land Use

of such contiguous units that do not have such planning commission. It must also send notice of its intentions to the county planning commission or to the county board of commissioners in counties that do not have such planning commissions. In addition, it must similarly notify each public utility company and railroad company registered with the township for such notification, to the county road commission and to the state transportation department if the plans include master street plans. Such notices should request the recipient's cooperation and comment, and may be accomplished by first-class mail or personal delivery. (MCL 125.3839)

A planning commission should be prepared to have the assistance of a professional planner and township attorney in drafting a master plan.

After the proposed master plan has been prepared, it shall be submitted to the township board for review and comment. After the township board has approved the distribution of the plan, a copy shall then be submitted to each of the foregoing units previously required to be notified of the planning commission's intentions. (MCL 125.3841)

Beginning
4/1/2024

The planning commission must wait at least 63 days for the receipt of any comments from those receiving the proposed master plan. It must then hold not less than one public hearing on the proposal, preceded by not less than 15 days published notice in a newspaper of general circulation within the township. Such notice must also be given to all entities previously notified, which notice could accompany the original submission of the proposed plan rather than any subsequent notification. (MCL 125.3843)

Following the public hearing, the planning commission may approve the proposed master plan or any changes thereto by resolution of a majority of its membership. This approval is verified by the signature of the chairperson or secretary on the inside of the front or back cover of the proposed plan. It must then be submitted to the township board for final adoption if the township board has asserted its final authority in this connection.

Where the township board has reserved its final approval and upon review has rejected the proposed plan, it must then be reconsidered by

the planning commission following a further public hearing preceded by the notification required for the first public hearing. (MCL 125.3843) This process is repeated until approval by the township board.

Amendments to the master plan for the most part follow the same procedure as previously required; however, the 63-day period is reduced to 42 days for receiving comments from the interested entities. Grammatical, typographical or similar editorial change may be made without following this process for amendment. (MCL 125.3845)

At least every five years after adoption of a master plan, the planning commission must review the master plan and determine whether to amend the master plan or adopt a new master plan. The review and its findings must be recorded in the planning commission minutes. (MCL 125.3845)

Additional planning commission authority

Before a street, park, open space, public building or other structure can be authorized or constructed in an area covered by the township's master plan, the location, character and extent of the project or utility must be submitted to the planning commission by the township board or other body having jurisdiction over the authorization or financing of the project for the planning commission's review and approval. The planning commission must submit its reasons for approval or disapproval to the submitting body. If it disapproves the proposal, the submitting body may overrule the disapproval by a vote of not less than two-thirds of the body's membership. If the planning commission fails to act on the submission within 35 days, the proposed project shall be considered approved. (MCL 125.3861)

If the township owns or operates a water supply or sewage disposal system individually or jointly with another unit or units of government, then the planning commission must annually prepare a capital improvement program of public structures and improvements. The planning commission must prioritize the recommended projects that, in its opinion, are needed and can be accomplished within the ensuing six-year period. Upon request of the planning commission, those in charge of the project shall furnish the commission with lists, plans, and estimates of time and costs of the proposed improvements.

The following 3 pages were taken from the 05/17/2023 TB/PC Joint meeting Packet. Included here as a reminder and validation of the PC's Zoning Project Visions and Goals.

https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/pc_tb_joint_special_meeting_packet_05.17.2023.pdf

TAB 1

Back to [INDEX](#)

The Planning Commissions Vision

TODAY

The Whitewater Township Planning Commission believes that the existing zoning ordinance needs substantial attention. Since first adopted in 1972, it has not undergone a comprehensive update to keep pace with land development trends or regulatory best practices. While it has been amended many times over the years to address specific issues, significant overarching shortcomings are evident. These include:

1. The zoning ordinance seems to now exist as a series of independent chapters in various formats. A zoning ordinance should be one highly interrelated uniform document. Definitions should be used consistently throughout the ordinance and material should be properly cross-referenced throughout. However, since we do not have a single document in a format such as MS Word, we cannot easily search for proper use of definitions and necessary cross-references. This increases the potential for problems.
2. There are duplications in terms of requirements. When requirements are redundant, there is a greater risk of inadvertent conflicts. For example, and at a basic level, minimum lot sizes in some zoning districts exist in more than one place.
3. There are areas where procedural actions could be improved to ensure clarity and reduce ambiguity.
4. Graphics are included in some parts of the Zoning Ordinance. However, one is backward (33-1) and impossible to use. More graphics would be helpful throughout the ordinance to help convey complex terminology.
5. Because much of the Whitewater Township Zoning Ordinance was written prior to the Michigan Zoning Enabling Act of 2006, a review should be conducted to double check required consistency.
6. The zoning districts in the Whitewater Township Zoning Ordinance are defined by legal descriptions. This method of defining zoning districts boundaries is rarely used today and obviously problematic to anyone who wishes to simply determine how land is zoned. A zoning map was prepared and exists (and on the Website), but there is no evidence it is part of the zoning ordinance. It also lacks a basic scale to measure distance.

Page 7 of 64

7. Tools such as hyperlinks can be added to the zoning ordinance to allow quick and easy navigation within the ordinance. Creating these links helps to make the ordinance easier to follow and helps ensure cross-references are accurate.
8. Sections of the Ordinance may need to be moved to provide for a more logical sequence of zoning material.
9. Definitions should be reviewed, updated and improved. Good zoning practice avoids definitions with development standards contained therein. For example, the existing definition of a residential fence includes requirements for height, placement, materials, etc. It is unlikely that someone would find the requirements for residential fence in the definitions. Issues like these create a greater potential for errors.

See attachment A for summary of these points in a graphical format.

GOING FORWARD

The Planning Commission holds the following views regarding future work on the Zoning Ordinance

1. No more amendments should be worked on (apart from Article 28) until shortcomings with the existing ordinance are addressed. We simply believe we lack a good foundation to build on and go forward with.
2. The work necessary to create the needed foundation should be approached in the following way:
 - a. Identify all adopted zoning language in whatever form it is in and convert/retype into a single MS Word Document.
 - b. Review and edit zoning language in a manner that avoids any substantive changes. Small issues should be clearly identified and corrected. We can use colored text so that these small changes are evident. More substantial issues should be identified, added to a running list, and then left to address later. This will help avoid getting bogged down in larger issues and delay completion of the whole project. The detailed task and process of reviewing the existing ordinance as described above will likely reveal many larger issues that need to be addressed later.
 - c. The Planning Commission is ready to work with our Planner on this project. He would lead this project and we would naturally include our zoning administrator and township attorney in the process.
 - d. Of course, we are looking at a substantial amount of work and there will be associated costs. Our Planner has indicated that need for between \$7,000 and \$9,000 in funding to support this work. A funding range is necessary as there are several unknowns with respect to available documents. An updated zoning ordinance can be expected in about 6 to 8 months (depending on meeting availability).
 - e. The updated Zoning Ordinance will be the subject of at least one public hearing before being forwarded to the Township Board for action.
 - f. Once adopted, Whitewater Township can then systematically more through more substantial changes, giving each needed attention and deliberation.

TB: The PC made a "consensus to accept" the following updates (subject to change as more Zoning work is completed) through packet page 111 at the Regular PC Meeting on 11/01/2023. Please review and be prepared to offer feedback, ask questions, etc.

Proposed New Organization to the Whitewater Township Zoning Ordinance.

OLD	New
ARTICLE 1 SHORT TITLE	ARTICLE I TITLE, PURPOSE, AND SCOPE (COMBINE ART. I, II, XX, XXII, XXIII (SHORT TITLE, PURPOSE, SCOPE, INTERPRETATION, SEPARABILITY, REPEAL, EFFECTIVE DATE)
ARTICLE II INTERPRETATION	ARTICLE II DEFINITIONS (ARTICLE III DEFINITIONS)
ARTICLE III DEFINITIONS	ARTICLE III ZONING MAP AND DISTRICTS (NEW SECTION THAT REPLACES ART. V AND ESTABLISHES THE ZONING MAP AS PART OF THE ZO, IDENTIFIES ZONING DISTRICTS, ETC.)
ARTICLE IV ACCESSORY AND NONCONFORMING USES AND BUILDINGS	ARTICLE IV ZONING DISTRICTS, USE REGULATIONS AND PRIMARY DIMENSIONAL REQUIREMENTS (ARTICLE VI, VII, VIII, IX, X, XI, XII) DESCRIBES ALL ZONING DISTRICTS, PERMITTED SPECIAL USES AND PRIMARY DEVELOPMENT REGULATIONS
ARTICLE V DISTRICTS	ARTICLE V SUPPLEMENTAL DEVELOPMENT STANDARDS AND PROVISIONS (IV. XIII, XIV, XV, XVI, XXIX, XXXIII, XXIX XXXVII)
ARTICLE VI RESIDENTIAL R-1	ARTICLE VI OFF-STREET PARKING, LOADING, LIGHTING AND LANDSCAPE STANDARDS (XXXIX, XXXIII, XXIV)

OLD	New
ARTICLE VII MULTIPLE RESIDENTIAL R-2 and R-3	ARTICLE VII OPTIONAL PLANNED DEVELOPMENTS (ARTICLE XXXI and XXXII) PLANNED UNIT DEVELOPMENT AND CORRIDOR OVERLAY PLANNED UNIT DEVELOPMENT
ARTICLE VIII COMMERCIAL C and VILLAGE V	ARTICLE VIII CONDOMINIUM DEVELOPMENT REGULATIONS (xxviii)
ARTICLE IX INDUSTRIAL	ARTICLE IX SITE PLAN REVIEW (xxv)
ARTICLE X AGRICULTURAL A-1	ARTICLE X SPECIAL LAND USES (xxv)
ARTICLE XI RECREATIONAL RC-1	ARTICLE XI SIGN REGULATIONS (xxx)
ARTICLE XII BUILDING LOT SIZES AND YARD REQUIREMENTS	ARTICLE XII TELECOMMUNICATION TOWERS (xxxv)
ARTICLE XIII ESSENTIAL PUBLIC SERVICES	ARTICLE XIII MOBILE HOME STANDARDS (xxxvi)
ARTICLE XIV WATERFRONT PROPERTY	ARTICLE XIV SANITARY LANDFILL AND WASTE DISPOSALS (xxiv)
ARTICLE XV SANITATION REQUIREMENTS	ARTICLE XV ADMINISTRATION (xvii, xviii, xix, xxi) ADMINISTRATION, ZONING BOARD OF APPEALS, AMENDMENTS, VIOLATIONS
ARTICLE XVI OUTDOOR STORAGE	
ARTICLE XVII ADMINISTRATION	
ARTICLE XVIII ZONING BOARD OF APPEALS	

OLD	New
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	

OLD	New
ARTICLE XXXVI MOBILE HOME STANDARDS	
ARTICLE XXXVII SUPPLEMENTARY PROVISIONS	

DRAFT

****WITH MARKUPS**

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

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

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

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

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
-------------------------	--------------------------------------

<ol style="list-style-type: none"> 1. All uses permitted and as regulated in Residential District R- 2 2. Farming of all types, including the construction and maintenance of migrant worker's quarters. 3. Golf courses. 4. Riding academies and stables, veterinarian hospitals and kennels. 5. Roadside stands for the sale of fresh or processed fruits and vegetables, grown or produced on said property. 5. Farm Market 6. Agricultural dumps. 7. Private Family Campgrounds 	<ol style="list-style-type: none"> 1. Commercial Campgrounds
---	---

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

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.)
R-1	100	20,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
R-2 Single Family	100	12,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
R-2 Two Family	120	22,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
R-3 Single Family	100	12,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	-(9)	1:4	700
R-3 Multi-Family	120	11,000 per dwelling unit	30 ⁽³⁾ (8)	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
A-1	200	40,000	30 ⁽³⁾ (5)	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾		1:4	700
RC-1	300	5 Ac.	30 ⁽³⁾ (6)	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾		1:4	700
C-1	100	=	50 ⁽³⁾ (7) (8)	10 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	40% (9)		700
V - With common sewage disposal or water supply.	80	20,000	0 ⁽²⁾ (3)	10 ⁽³⁾	15 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
V - With common sewage disposal and water supply	50	8,000	0 ⁽²⁾ (3)	10 ⁽³⁾	15 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
V - Without common water supply or sewage disposal	100	40,000	0 ⁽²⁾ (3)	10 ⁽³⁾	15 ⁽³⁾	35 ⁽¹⁾	=	1:4	700
N	100	=	50 ⁽³⁾	Total 30%, but not less than 15 ft. ^(3,8)	30 ⁽³⁾	35 ⁽¹⁾	40% (9)	1:4	700
MHP	300	17 Ac.				35 ⁽¹⁾			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

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

⁽²⁾ 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.¶

**** NO MARKUPS**

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.

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

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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.

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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,

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

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

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

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

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">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 feet2. Apartments and offices located above commercial uses in mixed-use buildings with a building footprint that is less than 5,000 square feet.	<ol style="list-style-type: none">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.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.,

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">1. All uses permitted and as regulated within the Commercial, Village, and Residential Districts.2. Wholesale warehouses.3. Storage warehouses.4. Outside storage of earth moving and similar large equipment.5. Billboards, subject to the standards of Section X.X	<ol style="list-style-type: none">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.2. Junk, scrap metal, or salvage yards.3. Stock yards, slaughterhouses, rendering plants, meat or pelt processing establishments.4. Establishments primarily engaged in heavy industry such as smelters, foundries, heavy industrial stamping operations.5. Any similar business or operation offensive or objectionable to public health, safety, or welfare.6. All special uses permitted within the Commercial, Village, and Residential Districts.

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"> 1. All uses permitted and as regulated in Residential District R- 2 2. Farming of all types, including the construction and maintenance of migrant worker's quarters. 3. Golf courses. 4. Riding academies and stables, veterinarian hospitals and kennels. 5. Roadside stands for the sale of fresh or processed fruits and vegetables, grown or produced on said property. 5. Farm Market 6. Agricultural dumps. (See Section XX) 7. Private Family Campgrounds (See Section XX) 	<ol style="list-style-type: none"> 1. Commercial Campgrounds (See Section XX)
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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"> 1. All uses permitted and as regulated in Residential District R- 2. 2. Bed and breakfast establishments providing tourist/vacation accommodations. 3. Private Family Campgrounds (See Section XX) 4. Riding academies and stables, veterinarian hospitals and kennels 5. Hydro-electric plants. 6. State-owned conservation lands. 	<ol style="list-style-type: none"> 1. Planned Unit Developments. 2. Commercial Campgrounds (See Section XX)

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.)
R-1	100	20,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
R-2 Single Family	100	12,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
R-2 Two Family	120	22,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
R-3 Single Family	100	12,000	30 ⁽³⁾	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	-(9)	1:4	700
R-3 Multi-Family	120	11,000 per dwelling unit	30 ⁽³⁾ (8)	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
A-1	200	40,000	30 ⁽³⁾ (5)	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾		1:4	700
RC-1	300	5 Ac.	30 ⁽³⁾ (6)	15 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾		1:4	700
C-1	100	-	50 ⁽³⁾ (7) (8)	10 ⁽³⁾	30 ⁽³⁾	35 ⁽¹⁾	40% (9)		700
V – With common sewage disposal or water supply.	80	20,000	0 ⁽²⁾ (3)	10 ⁽³⁾	15 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
V - With common sewage disposal and water supply	50	8,000	0 ⁽²⁾ (3)	10 ⁽³⁾	15 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
V - Without common water supply or sewage disposal	100	40,000	0 ⁽²⁾ (3)	10 ⁽³⁾	15 ⁽³⁾	35 ⁽¹⁾	-	1:4	700
N	100	-	50 ⁽³⁾	Total 30%, but not less than 15 ft. ^(3,8)	30 ⁽³⁾	35 ⁽¹⁾	40% (9)	1:4	700
MHP	300	17 Ac.				35 ⁽¹⁾			700
LOTS WITH FRONTAGE ON THE BOARDMAN RIVER OR TRIBUTARIES									
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.									
FRONTAGE ON ALL OTHER LAKES AND STREAMS									
1. 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)									
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

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

⁽²⁾ 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 1:40~~

This screen shot was taken from the Approved 11/01/2023 PC minutes at which a definition for “Substantial Change” was created to aid in the Zoning Project efforts moving forward.

https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/wwt_pc_mins_110123_approved.pdf

2. Zoning Project Update:
a. Define substantial change. Define what is a minor change and what is a major change? Working on clarifying
Page 1 of 2 Planning Commission 11/01/2023 APPROVED

and correcting words and definitions right now not changing anything that changes an outcome.
Consensus on a definition of current zoning ordinance work: Clarification, fix conflicts, state or federal law, duplication and organization but does not change the spirit of the ordinance. A substantial change is anything beyond.

Mielnik is working on reorganization of the zoning ordinance to make it more comprehensive and creating consistency.

Consensus to accept what has been presented by Mielnik for tonight's packet, Articles 1-4.

- b. Review proposed ZO restructure and determine which should be updated now and which should wait for the completion of the master plan was included in the previous discussion.

Zoning Map Discussion:

There are some concerns with our Townships Zoning Map. Based on the TB's history and knowledge we ask your assistance in identifying the areas of concern and/or discrepant information. If able, please be prepared to answer the following questions:

1. Do you know where and/or how the current published Zoning Map originated?
2. Is there anything about the Zoning Map that needs to be double checked/verified, or you are not confident is accurate? (Exception being the Industrial Zone which is a known issue).
3. Thinking about this with a solution focused lens, what are your suggestions, and/or ideas for ensuring our Zoning Map is accurate?

FY23/24 Budget:

Currently, all contracts are representative of plan spend through the FY. We do not foresee a need for additional funding.

FY24/25 Budget:

The PC Seeks the TB's guidance in preparing for the FY24/25 Budget. Please be prepared to answer the following questions related to policy and procedures:

1. By what date should the PC provide the TB with their anticipated budget needs?
2. In what format, should the PC provide the TB with their anticipated budget needs?
3. How detailed does the TB prefer to receive the anticipated budget needs?
 - a. Example: Should we include a total number of meetings anticipated, breakdown the meeting types (subcommittee meetings, special meetings, public hearings, etc.), a total dollar amount, or all the above?
 - b. Example: Should we breakdown our anticipated needs by project (MP & ZP), or line item, or both?
4. What else should the PC know about Budget time? We don't know what we don't know and are relying on your insight, experience, and expertise to ensure a smooth transition into FY24/25

Metropolitan Planning Organization (MPO) Discussion:

- At the PC's Regular 10/04/2023 Meeting, Rob Carson from Networks Northwest presented the MPO. Materials presented and provided by Mr. Carson are included in this packet for your review.
- At the PC's Regular Meeting on 12/06/2023, the PC made and passed a Motion to make a recommendation the Township participate in the MPO.
 - Screen shot of DRAFT 12/06/2023 PC Minutes:

MPO discussion to be presented to the board as a positive thing, make a recommendation.

MOTION by DeYoung, second by Keaton to recommend the township participate in the Metropolitan Planning Organization (MPO).

Roll call vote: Jacobson-yes; Wroubel-yes; Steelman-yes; DeYoung-yes; Slopsema-yes; Keaton-yes; Vollmuth–abstain (so she can vote at the Board level without any question of duplicity) . Motion carried.

https://www.whitewatertownship.org/uploads/2/1/9/6/21966412/wwt_pc_mins_120623_draft.pdf

- The PC is willing and able to assist the TB in moving forward with the MPO.
- Please share your thoughts and/or a Motion to move forward with the MPO.

Robert Carson <rob.carson@networksnorthwest.org>

To:Randy Mielnik

Cc:Cheryl Goss,Rachel Steelman

Tue, Oct 17 at 9:02 PM

Randy,

Please find attached the following documents:

- Resolution of Adoption: This is the resolution adopted by each local participating entity to the Traverse Transportation Coordinating Initiative (TTCI). I've edited the document to reflect Whitewater Township.
- Intergovernmental Agreement (IA, THE AGREEMENT): This is the agreement referenced in the resolution of adoption and outlines the structure of the TTCI MPO Body. This document would stand "as is" and would only be edited for Appendix C and Appendix D.
 - Appendix C is the membership dues calculations. Currently the amount for the entities that are participating is \$3,378.13. If Whitewater elects to participate the amount of dues per entity will be \$3,167.00.
 - Appendix D lists the participating members. This would be edited to include Whitewater Twp on the list.
- TTCI Bylaws Executed 2023-09-12: This is the current adopted bylaws for the organization.

I'm going to be gone on vacation starting Thursday evening and won't be returning until Oct. 30th. You can reach out to Mathew Cooke at <mathew.cooke@networksnorthwest> or Zach Vega at <zach.vega@networksnorthwest.org> if you need anything in my absence.

Please let me know if you have any questions.

Thanks,

Rob

Traverse Transportation Coordinating Initiative
Resolution # _____
_____, 2023

RESOLUTION TO ESTABLISH AN INTERMUNICIPALITY COMMITTEE UNDER MICHIGAN
PUBLIC ACT 200 OF 1957 FOR PURPOSES OF TRANSPORTATION PLANNING IN THE
TRAVERSE STUDY AREA

WHEREAS, the urban transportation planning regulations implementing sections of the Federal-Aid Highway Act of 1962, and the Urban Mass Transportation Act of 1964, as amended, require that each urbanized area, as a condition of receipt of Federal transportation capital or operating assistance, having a continuing, cooperative and comprehensive (3-C) transportation planning process that results in plans and programs consistent with the comprehensively plan development of the urbanized area; and

WHEREAS, Michigan Public Act 200 of 1957 provides for the creation, by two or more municipalities, of an Intermunicipality Committee for the purpose of studying area problems; and

WHEREAS, Whitewater Township elected to participate in the formation of the Metropolitan Planning Organization through participation in the Traverse Transportation Coordinating Initiative (TTCI), and

WHEREAS, the conditions for the participation of eligible entities and the requirements for formation of the MPO Policy Board and committees to the board, rules of procedure and overall operation of the collaborative body are contained within the attached referenced Traverse Transportation Coordinating Initiative Intergovernmental Agreement for Participants of the Metropolitan Planning Organization, and

WHEREAS, bylaws for TTCI have been drafted and are attached and referenced as the Traverse Transportation Coordinating Initiative (TTCI) Bylaws.

NOW, THEREFORE, BE IT RESOLVED, that Whitewater Township authorizes their participation as an eligible entity in the creation of what is hereinafter referred to as the Traverse Transportation Coordinating Initiative (TTCI) Metropolitan Planning Organization;

On a motion made by _____ seconded by _____, to adopt the Resolution in support of the establishment of an intermunicipality committee, under Michigan Public Act 200 of 1957, for the purposes of transportation planning in the Greater Traverse Study Area.

Roll call vote:

Ayes- _____
Nays- _____

CERTIFICATE

I, _____, do hereby certify that the foregoing is a true copy of a resolution adopted by the Whitewater Township Board, at a regular board meeting, held at the Whitewater Township Hall on **XX XX, 2023**.

Name

Title

Traverse Transportation Coordinating Initiative (TTCI)

Intergovernmental Agreement for Participants of the Metropolitan Planning Organization

Article I. Name

The name of the inter-municipality committee formed under this agreement shall be the Traverse Transportation Coordinating Initiative, hereafter referred to as TTCI. The formation of this body replaces any former committee which was organized as a precursor to the formal establishment of the Metropolitan Planning Organization.

Section 1.01 Transfer of Balance of Funds

All funds held under the control of the committee established as the Traverse Transportation Coordinating Initiative previous to the execution of this agreement shall be transferred under the control of the entity named in Article I.

Article II. Purpose and Authority

Michigan Public Act 200 of 1957 provides for the creation, by two or more municipalities, of an inter-municipality committee for the purpose of studying area transportation issues of mutual interest and concern. TTCI shall operate and act in compliance with and under the authority of Michigan Public Act 200 of 1957 and shall have the duties, privileges and rights prescribed in that Act.

Article III. Fiscal Year

The fiscal year for TTCI shall be October 1st through September 30th of the following year.

Article IV. Duties of TTCI

The duties of TTCI shall be broad objectives that will encompass, but are not limited to the following:

1. Develop transportation plans and programs and establish processes for the continuing review of plans, recommendations, and programs to facilitate the movement of persons and goods in the TTCI Study Area.
2. Design and carry out the assembling and analysis of information pertaining to transportation with the study area.
3. Coordinate transportation facility implementation and operation within the TTCI Study Area.

4. Review and evaluate the planning and programming of transportation related activities, projects and programs within the TTCI Study Area, as they may impact the transportation system.
5. Assist in project implementation where such projects require organizational, functional and operational analysis and/or to undertake those implementation functions not reserved to other agencies or as may be appropriately delegated by such other agencies.
6. Establish and implement a continuing program of public information regarding transportation planning, programs and projects.

Article V. TTCI MPO Organization

TTCI shall be the established transportation planning body for the Census Designated Traverse City-Garfield Urbanized Area and TTCI Metropolitan Planning Area. Representation from transportation agencies, transit agencies and units of government which constitute a minimum of seventy-five percent (75%) of the US Census defined urbanized area shall meet the legislative requirements to seek TTCI MPO establishment; when they have agreed to participate in the formation of the inter-municipality committee through the approval and adoption of this inter-governmental agreement.

Section 5.01 Census Defined Urbanized Area and Metropolitan Planning Area

(a) Census Defined Urbanized Area:

The United States Census Bureau conducts decennial census every ten (10) years. Upon completion of the decennial census the US Census Bureau conducts a review of data which supports the designation of urbanized areas. Following each decennial census, TTCI shall work with the Michigan Department of Transportation to ascertain changes to urbanized area boundaries, and shall make necessary revisions to meet the requirements of Michigan Public Act 200 of 1957. See *Attachment A* for a map of the urbanized area prescribed by the 2020 US Decennial Census. This attachment shall be updated following each decennial census.

(b) Metropolitan Planning Area:

The Metropolitan Planning Area (MPA) is the designated geographic boundary within which the planning processes prescribed in 23 CFR 450 and 49 CFR 613 is to be carried out. The Metropolitan Planning Area shall include all geographic boundaries which contain census designated urbanized areas and shall also contain geographic unit boundaries of areas which are forecasted to become urbanized within the next twenty (20) years. MDOT shall make recommendation on MPA boundaries following each decennial census with the final MPA designated by the TTCI Policy Board. A geographic boundary is defined as a Township, Village and City civil division boundaries. See *Attachment B* for a map of the MPA. This attachment shall be updated following each decennial census or as necessary to include expansion of the planning area boundary.

Section 5.02 Eligibility

All transportation agencies, transit agencies and local units of government, which include within their respective service area or civil division boundary, a portion of the defined urbanized area or MPA; are eligible for inclusion and participation with TTCI and are referred to as Eligible Entities. A local unit of government is defined as a Village, City, Township or County. Eligibility shall solely be met through this section 5.02 and section 5.03 Member Conditions.

Section 5.03 Member Conditions

The following conditions are required of participating eligible entities.

(a) Voting Rights:

Participating eligible entities are each provided one (1) vote on the Policy Board. The single vote shall be administered by the primary or alternate Policy Board Member, and in no case shall both the primary and alternate Policy Board Member preside at the same meeting and in no case shall more than one (1) vote be cast by an individual eligible entity.

(b) Planning Organization Dues:

Each participating eligible entity shall pay planning dues in a sufficient amount to meet the required eighteen point fifteen percent (18.15%) of the Consolidated Planning Grant provided by MDOT. Planning due amounts are established in *Attachment C*, with the prescribed dues having been certified through approval of this agreement. Dues shall be paid by each participating eligible entity each fiscal year upon receiving the invoice, and payment shall be made within 45 days of the receipt of the invoice. Attachment C shall be updated each year following the release of the monetary amount of the consolidated planning grant by the Michigan Department of Transportation.

(c) Participation:

Participating eligible entities shall make every effort to have their representative attend TTCI Policy Board, Executive Committee (*if applicable*), Technical Committee (*if applicable*), or Ad Hoc Committee meetings (*if applicable*). Participation is fundamental to the successful operation of the MPO Planning Process(es). Unexcused absences will be monitored and relayed to respective eligible entity's governing board following the absence. Accumulation of three (3) unexcused absences within a single fiscal year will cause a formal request by the TTCI Policy Board for appointment of a new representative by the respective eligible entity.

Article VI. Meeting Standards, Policy Board, and Committees

Section 6.01 Quorum

A quorum is required for the conducting of business. The presence of a simple majority of the TTCI Policy Board Membership (as defined in Article VI, Section 6.03.(a)) OR the presence of three-fifths (3/5) of transportation implementing agencies (BATA, City of Traverse City, GTCRC, LCRC, MDOT) and two (2) local units of government shall constitute a quorum for the purpose of

conducting business. Active voting members are those duly appointed representatives whose membership dues were paid in the prior budget year.

Section 6.02 Meeting Operation

Meeting parliamentary procedure and voting decision processes of the TTCI Policy Board, Executive, Technical and Ad Hoc Committees shall operate according to “Robert’s Rules of Order”. All meetings of the TTCI Policy Board and Technical Committee shall operate within the requirements of the Michigan Open Meetings Act (OMA), 1976 PA 267, MCL 15.261 et seq.

Section 6.03 TTCI Policy Board

(a) TTCI Policy Board Membership

Membership on the TTCI Policy Board shall consist of one (1) individual from each participating eligible entity, whom is designated by the respective entities governing body to serve as their representative. Representatives may be members of the governing board, executive staff or their designee. Eligible entities shall appoint one (1) primary member to the TTCI Policy Board and shall appoint a second alternate member to attend in the primary member’s absence. Designations shall be made by each participating eligible entity at their first meeting of the calendar year and as otherwise outlined for replacement, with the exception of the initiation of the board under initial execution of this agreement. Designations shall be made in writing and by name provide a primary and alternative representative. Designations shall occur for each participating entity that have executed approval of this agreement, and shall include a representative from the Michigan Department of Transportation and the Federal Highway Administration as necessary. TTCI Policy Board Members are provided in *Attachment D*.

(b) Terms of TTCI Policy Board Members

Policy Board Members shall serve a term of two (2) years, or until their replacement is designated by the eligible entities governing body. Policy Board members, whom are elected officials for eligible local units of government or a member of a governing body of an eligible agency, shall not serve past the expiration of their elected office for the eligible entity or expiration of their appointment on the eligible entities governing body. Members of the Policy Board who are staff to a participating eligible agency or local unit of government shall not serve beyond their time of employment with such eligible entity. A participating eligible entity membership that has expired due to any of the factors above shall be notified and a new designee shall be named by the respective eligible entities governing board at that time.

(c) Officers

The TTCI Policy Board shall be served by an Executive Committee comprised of elected officers, which consist of a Chairperson, Vice-Chairperson, a Secretary and a Treasurer. The officers shall serve the duties outlined within the Policy Board by-laws. Officers shall be elected from TTCI Policy Board members who have served on the Policy Board from initial approval of this agreement or for a minimum of one (1) year. The four member Executive Committee shall have at least one (1) elected City, Village, Township or County representative and at least one (1)

representative of a transportation or transit agency. Officers shall be elected following a formal nomination from another member of the board, followed by a vote of the board; this shall occur for each respective officer position. Election of officers shall be at the first meeting of each calendar year or as soon as possible thereafter. Officers shall serve a term of one (1) year, or until a successor is elected. If a vacancy occurs then an election for that office shall occur at the next regular meeting of the Policy Board and that successor shall serve the remainder of the existing term.

(d) Meetings

The TTCI Policy Board shall hold meetings in accordance with the by-laws of the Policy Board.

Section 6.04 TTCI Executive Committee

(a) TTCI Executive Committee Established

The TTCI Executive Committee shall be established through representation of the officers of the TTCI Policy Board.

(b) TTCI Executive Committee Membership

Membership on the Executive Committee shall follow the procedure outlined in Section 6.03.(c).

(c) Terms of TTCI Executive Committee Members

TTCI Executive Committee terms shall follow the standards outlined in Section 6.03.(c).

(d) Executive Committee Meetings

TTCI Executive Committee Meetings shall be held and operate in accordance with the TTCI Policy Board By-laws.

Section 6.05 TTCI Technical Committee

(a) TTCI Technical Committee Established

The TTCI Technical Committee is hereby established and represented by professional staff of participating eligible entities of the TTCI Policy Board with inclusion of representation of other entities which are important to the areas transportation planning processes.

(b) TTCI Technical Committee Membership

Membership on the TTCI Technical Committee shall occur through designation of a representative by each participating eligible entity of the TTCI Policy Board. A representative shall also be included, but not limited to from each of the following entities; Northwestern Michigan College, Traverse City Area Public Schools, Traverse Connect, Cherry Capital Airport Authority, Michigan Department of Transportation, Grand Traverse Tribe of Ottawa and Chippewa Indians. TTCI Technical Committee members shall be designated through the process established in the TTCI Policy Board By-laws.

(c) Terms of TTCI Technical Committee Members

TTCI Technical Committee terms shall be in accordance with the TTCI Policy Board By-laws.

(d) TTCI Technical Committee Meetings

TTCI Technical Committee Meetings shall be held and operate in accordance with the TTCI Policy Board By-laws.

Section 6.06 Ad Hoc Committee

(a) TTCI Ad Hoc Committee Establishment

Ad Hoc Committees, special committees, and subcommittees may be established as deemed necessary by the TTCI Policy Board to further purposes in keeping with responsibilities and objectives.

(b) TTCI Ad Hoc Committee Membership

TTCI Ad Hoc Committees membership shall be in accordance with the TTCI Policy Board By-laws.

(c) Terms of TTCI Ad Hoc Committee Members

TTCI Ad Hoc Committee terms shall be in accordance with the TTCI Policy Board By-laws.

(d) TTCI Ad Hoc Committee Meetings

TTCI Ad Hoc Committee Meetings shall be held and operate in accordance with the TTCI Policy Board By-laws.

Section 6.07 Community Engagement

TTCI shall meet requirements for citizen input for the planning area through placement of a public comment agenda item on each meeting agenda for the TTCI Policy Board and TTCI Technical Committee meetings. Community Engagement events will also be scheduled a minimum of two (2) times per fiscal year. Events may consist of input sessions held at community halls or centers, pop-up sessions held in public spaces or through other interactive methods which gain public feedback. The actions outlined within this section shall be included in the Public Participation Plan (PPP) which will be updated as necessary through guidance of MDOT.

Section 6.08 Meeting Notices, Agendas and Minutes

(a) Meeting Notices

All TTCI Policy Board, TTCI Technical Committee and TTCI Ad Hoc Committee meetings shall be appropriately noticed in meeting the requirements of section 6.02.

(b) Meeting Agendas

All TTCI Policy Board, TTCI Technical Committee and TTCI Ad Hoc Committee meetings shall have an agenda provided to respective members no later than five (5) days prior to all regular meetings.

(c) Meeting Minutes

Minutes shall be taken and prepared for each TTCI Policy Board meeting, with the Draft minutes reviewed and voted upon for approval to a Final Copy of the Minutes at the next regular Board Meeting.

Article VII. Staffing and Support

Section 7.01 Staffing Arrangement

The TTCI Policy Board shall contract with the Northwest Michigan Council of Governments (dba. Networks Northwest) to coordinate and conduct administration and staffing related to its purpose, responsibilities and objectives. Personnel assigned to TTCI will adhere to a staffing plan outlined within each fiscal year's Unified Work Program, which is approved by the TTCI Policy Board.

Section 7.02 TTCI Board Autonomy

TTCI shall be a stand-alone entity autonomous from the Northwest Michigan Council of Governments (dba. Networks Northwest) Board.

Section 7.03 Supportive Services

TTCI may enter into agreements with other public and private agencies, including consultants, for all types of surveys and studies relating to its purpose, responsibilities and objectives. Such surveys and studies shall be identified and described in the annual Unified Work Program.

Article VIII. Unified Work Program Plan & Budget

Section 8.01 Unified Work Program (UWP)

A UWP shall be prepared prior to each fiscal year. The UWP shall meet all necessary State and Federal Planning requirements and focus areas. The UWP shall include all work to be undertaken within the fiscal year, outline necessary staffing and support, include action items and deliverables and work within a fiscally constrained context of the Consolidated Planning Grant. The UWP shall be reviewed and approved by the TTCI Policy Board prior to submittal to MDOT.

Section 8.02 Budget

A budget shall be prepared prior to each fiscal year. The budget shall detail the Consolidated Planning Grant (CPG) funds, and local matching funds provided for the required eighteen point fifteen percent (18.15%) match. The budget shall outline expenditures for staffing committed to the UWP action items. The budget shall be included within the UWP and voted upon by the TTCI Policy Board for approval.

Article IX. Bylaws

TTCI Policy Board shall operate under an agreed upon set of by-laws. By-laws shall uphold and not conflict with any provisions of this agreement. The provisions of this agreement shall always supersede the bylaws in guidance of board operation, the processes of the organization and all matters contained within this agreement.

Section 9.01 Adoption

Bylaws shall be adopted by a two-thirds (2/3) vote of the TTCI Policy Board Membership.

Section 9.02 Amendment

Bylaws may be altered, amended or replaced at any regular or special meeting of the Board by at least two-thirds (2/3) vote for the purpose of bylaw amendment. A copy of the proposed changes to the bylaws shall be filed with the Secretary at least ten (10) days prior to the meeting where such action is proposed to be taken and the secretary shall send a copy of the proposed change to each representative along with written notice of the time and place of such meeting. The Secretary shall also ensure that representatives received their notices at least five (5) days prior to such meeting.

Article X. Amendments to this Agreement

Section 10.01 Addition or Withdrawal of Eligible Entity

This intergovernmental agreement shall be amended for addition of any eligible entity and for the withdrawal of an eligible entity at any point during a fiscal year. This agreement shall not require approval of each respective participating entity for addition and removal of any eligible entity. *Attachment D* shall be updated to reflect any changes with eligible entity participation levels.

Section 10.02 Amendment to Update Attachment A (Census Urbanized Boundaries) and to Update Attachment B (Metropolitan Planning Area)

This intergovernmental agreement shall be amended following each decennial census upon the release of the updated Urbanized Area boundaries and whenever an adjustment is made to the Metropolitan Planning Area Boundary. The amendment shall only include updates to attachments A and B. This amendment shall require only a simple majority vote of the TTCI Policy Board.

Section 10.03 All Other Amendments

All other amendments to this agreement shall require approval of the TTCI Policy Board and the governing body of each participating entity. The process for amendments shall be:

1. Desired amendments shall be brought forth and placed on a TTCI Policy Board Agenda for discussion and voting.

2. A simple majority vote of the TICI Policy Board shall move to amend a draft of the agreement.
3. The amended draft agreement will be taken to each respective participating eligible entity's governing board for approval.
4. Once approval from each respective participating eligible entity's governing board is received, the amended draft agreement will be voted upon by the TICI Policy Board for adoption of the amendment.
5. A two-thirds (2/3) vote of the TICI Policy Board shall be necessary for final approval of the amended agreement.

Article XI. Addition of Eligible Entities

Eligible entities as outlined in Section 5.02 with ability to comply with the conditions of Section 5.03 may be added to TICI during any part of the fiscal year. The process for addition of an eligible entity is as follows:

1. The eligible entity shall petition in writing, directed to the TICI Policy Board, a formal request to be included as an entity of TICI.
2. TICI Staff shall review the request and determine if the entity meets the eligibility requirements.
3. The request shall then be placed on an upcoming regular meeting Agenda of the Board for the action to be considered, through the approval of an amendment to this agreement as outlined in Section 10.01.
4. The Amendment shall place the name of the eligible entity in *Attachment D* as outlined in Section 6.03.(a)
5. Upon TICI Board approval of the amendment, the eligible entity to be added to TICI must obtain approval of this agreement from their respective governing board.
6. Upon approval of the agreement by the respective governing board, the entity shall pay the required yearly dues as outlined in Section 5.03 (b) and *Attachment C* for the current fiscal year in which they will be added.
7. The eligible entity shall be considered a member of TICI upon paying of the required due.
8. The bylaws shall be updated to include the eligible entity as a member of TICI in accordance with Section 9.02 of this agreement.

Article XII. Withdrawal of Eligible Entities

An eligible entity may withdrawal from TICI at any time during the fiscal year. An eligible entity, which withdrawals from TICI shall not be reimbursed for any portion of their dues for any past and current fiscal year. The process for withdrawal of an eligible entity is as follows:

1. The eligible entity shall petition in writing, directed to the TTCI Policy Board, a formal request to withdrawal from TTCI.
2. The request for withdrawal shall be placed on the next upcoming regular meeting Agenda of the TTCI Policy Board, with action requested.
3. The TTCI Policy Board shall take action on the request and amend the agreement as outlined in Section 10.01.
4. The amendment shall include removal of the entity name from *Attachment D* under Section 6.03.(a).
5. The eligible entity shall be considered withdrawn from TTCI once the amendment has been approved.
6. The bylaws shall be updated in accordance with Section 9.02.

Article XIII. Removal of Entity

An entity which no longer meets the conditions of this agreement, and is considered an Inactive Member under Article XIV of this agreement, may be removed from TTCI by a simple majority vote of the TTCI Policy Board.

Article XIV. Inactive Membership Status

Any entity which is a member of TTCI and has not paid its annual dues in accordance with Section 5.03.(b) or no longer meets the eligibility requirements of 5.02 shall be considered an “Inactive Member”, and shall no longer have authority to preside at TTCI Policy or any respective Committee meetings. The entity’s “Inactive Member” status shall be referred to the Executive Committee for appropriate action. Appropriate action may include Removal of the Entity under Article XIII or a request to the entity to meet the condition of Sections 5.02 and 5.03.

Article XV. Adoption

Upon original adoption of this Intergovernmental Agreement by the legislative body of each participating eligible entity as outlined in Section 5.02, such adoption shall be evidenced by the accompanying adoption resolution referencing this agreement.

Attachment A: U.S. Census Defined TC-Garfield Urbanized Area (2020)



Attachment B: Metropolitan Planning Area (2023)



Attachment C: Membership Due Calculations

Dues shall be set at an equal proportion of the required 18.15% match to be met by each participating eligible entity. The dues shall be calculated for the consolidated planning grant amount provided to TTCI by the Michigan Department of Transportation for each fiscal year. The Consolidated Planning Grant match required for Fiscal Year 2024 shall be **\$50,671.95**.

FY 2024 Calculation:

Fourteen (15) eligible entities sign onto the agreement:

$$\$50,671.95 / 15 = \$3,378.13$$

Each of the 15 participating eligible entities would match in the amount of **\$3,378.13**

Local Match FY 2024 TTCI

Represented Entities	FY2024 Match
Acme Township	3,378.13
Bay Area Transportation Authority	3,378.13
Bingham Township	3,378.13
Blair Township	3,378.13
Charter Township of East Bay	3,378.13
Charter Township of Elmwood	3,378.13
Charter Township of Garfield	3,378.13
Charter Township of Long Lake	3,378.13
Grand Traverse County	3,378.13
Grand Traverse County Road Commission	3,378.13
Green Lake Township	3,378.13
Leelanau County	3,378.13
Leelanau County Road Commission	3,378.13
Peninsula Township	3,378.13
Traverse City	3,378.13
Total Local Match	50,671.95

Attachment D: TTCI Eligible Entity Membership FY 2024

Acme Township

Bay Area Transportation Authority

Bingham Township

Blair Township

Charter Township of East Bay

Charter Township of Elmwood

Charter Township of Garfield

Charter Township of Long Lake

Grand Traverse County

Grand Traverse County Road Commission

Green Lake Township

Leelanau County

Leelanau County Road Commission

Peninsula Township

Traverse City

TRAVERSE TRANSPORTATION COORDINATING
INITIATIVE (TTCI)
BYLAWS

ARTICLE I. NAME OF ORGANIZATION

The name of the organization shall be the Traverse Transportation Coordinating Initiative, an Intermunicipality Committee established under Act 200 of 1957 of the Public Acts of Michigan, and shall be hereinafter referred to as the TTCI.

ARTICLE II PURPOSE AND RESPONSIBILITY

Section 1. Purpose. TTCI is established to provide coordinated leadership and direction for the development and conduct of a continuing, cooperative, and comprehensive transportation planning process in the Traverse City-Garfield Urbanized Area. As a program of Networks Northwest, TTCI shall constitute the forum for cooperative transportation decision-making by principal elected officials of general purpose local governments and representatives of transportation based agencies to develop US Census Designated Traverse City- Garfield Urbanized Area multi-modal transportation plans and programs.

Section 2. Responsibility. TTCI shall develop transportation plans and programs for the Greater Traverse Area, in coordination with local, county, regional, and state plans and programs. The Traverse City-Garfield Urbanized Area is defined by the US Census Bureau. The Metropolitan Planning Area (MPA) of TTCI shall encompass the local civil divisions of the City of Traverse City, the Charter Townships of Garfield, Elmwood, East Bay, Long Lake and the General Law Townships of Acme, Peninsula, Blair, Bingham, Green Lake and Whitewater.

Section 3. Objectives.

- a) Maintain a transportation planning process and improvement plan for the Metropolitan Planning Area which meets Federal and State requirements and ensures the area's eligibility for capital and operating funds.
- b) Pursue, develop and maintain system and subsystem plans and programs for the various modes of transportation which use the area's major streets, roads and highways.
- c) Integrate and coordinate transportation plans and programs with existing and future plans and programs within the region, as defined by the State of Michigan, and the Michigan Department of Transportation.
- d) Recommend transportation programs and projects which are consistent with the general transportation goals of the community and its transportation based agencies,
- e) Maintain continuously updated pertinent information about the area's transportation systems.
- f) Assist local and state implementation agencies in developing transportation projects. Collaborate with local, regional, state, and federal

- transportation planning agencies in developing transportation plans and projects.
- g) Operate the urbanized area transportation planning program in a responsible and efficient manner.
 - h) Provide for and encourage public involvement in TTCI's transportation planning activities.
 - i) Solicit and accept appropriate gifts and grants which will assist in the accomplishment of TTCI objectives.

ARTICLE III. MEMBERSHIP

Section 1. General. Voting membership shall consist of the municipalities and entities which are listed in Section 4 and which execute the *“Traverse Transportation Coordinating Initiative (TTCI) Intergovernmental Agreement for Participants of Metropolitan Planning Organization”* hereafter referred to as **“THE AGREEMENT”**. Each member shall be entitled to representation on the TTCI Policy Board as hereinafter provided. With administrative and staffing assistance from Networks Northwest, all affairs of TTCI shall be managed by the Board. Voting members whose sponsoring agency becomes delinquent in any cost assessments, matching funds or other financial obligations to TTCI, shall be subject to review by the TTCI Policy Board.

Section 2. New Members. New members may be added to the Board according to the procedures outlined in **THE AGREEMENT** Article XI.

Section 3. Withdrawal of Membership. Any member may withdraw its membership according to the procedures outlined in **THE AGREEMENT** Article XII.

Section 4. Voting Members. Voting members shall consist of one member from each of the following:

- City of Traverse City
- Charter Township of Garfield (G.T. County)
- Charter Township of Elmwood (Leelanau Co.)
- Charter Township of East Bay (G.T. County)
- Acme Township (G.T. County)
- Bingham Township (Leelanau County)
- Blair Township (G.T. County)
- Peninsula Township (G.T. County)
- Green Lake Township (G.T. County)
- Charter Township of Long Lake (G.T. County)
- Grand Traverse County Board of Commissioners
- Leelanau County Board of Commissioners
- Leelanau County Road Commission
- Grand Traverse County Road Commission
- Michigan Department of Transportation
- Bay Area Transportation Authority

Section 5. Designation of Representatives and Alternates.

Membership on the TTCI Policy Board shall consist of one (1) individual from each participating eligible entity, whom is designated by the respective entities governing body to serve as their representative. Representatives may be members of the governing board, executive staff or their designee. Eligible entities shall appoint one (1) primary member to the TTCI Policy Board and shall appoint a second alternate member to attend in the primary member's absence. Designations shall be made by each participating eligible entity at their first meeting of the calendar year and as otherwise outlined for replacement. Designations shall be made in writing and by name provide a primary and alternative representative. Designations shall occur for each participating entity that have executed approval of this agreement, and shall include a representative from the Michigan Department of Transportation and the Federal Highway Administration as necessary. See Section 4 of these bylaws for Voting Members.

ARTICLE IV. OFFICERS

Section 1. General. The TTCI Executive Committee shall consist of the Chairperson, a Vice-Chairperson, a Secretary, and a Treasurer. Policy Board members are eligible to be elected to the Executive Board once they have served on the Policy Board for a minimum of one year. The four-member Executive Board shall have at least one elected City, Village, County or Township official plus one representative of a Transportation Agency.

Section 2. Duties of the Chairperson. The Chairperson shall set the Policy Board meeting agenda, preside at all meetings, appoint such committees as shall be deemed necessary, appoint standing committees with the approval of the TTCI Policy Board, and perform such other duties as may be delegated by the TTCI. The Chairperson shall have the full right to propose motions and vote on all motions and resolutions. The Chairperson shall be an ex-officio member on all committees.

Section 3. Duties of the Vice-Chairperson. The Vice-Chairperson shall preside at meetings in the absence of the Chairperson and perform such other duties as may be delegated by the Chairperson or the Board.

Section 4. Duties of the Secretary. The Secretary shall keep a record of all meetings of the TTCI; keep a record of all plans, programs, and other material brought before the Committee; notify the TTCI of all meetings; and provide agenda for all meetings.

Section 5. Duties of the Treasurer. The Treasurer shall keep a record of all financial transactions of the TTCI, provide periodic financial reports to the TTCI, and generally perform the traditional duties of this office.

Section 6. Delegation of Duties. The duties of the Secretary and/or Treasurer may be delegated to the TTCI Professional Staff assigned from Networks Northwest, or another appropriate individual. The secretarial and financial duties may be delegated separately or together and may be delegated to different individuals.

Section 7. Nomination of Officers. The Chairperson shall at the November meeting (or as soon

as possible thereafter) appoint a Nominating Committee to present nominations for the offices of Chairperson, Vice-Chairperson, Secretary and Treasurer at the December meeting (or as soon as possible thereafter). Nominations for all officers may be presented from the floor with the consent of the nominee.

Section 8. Election of Officers. Election of officers of the TTCI shall be at the first meeting of each calendar year or as soon as possible thereafter.

Section 9. Terms of Office. The terms of office shall be for one calendar year or until a successor is elected.

Section 10. Vacancy of Office. If a vacancy occurs in any office during the year, the TTCI Board of Directors may fill the vacancy at any regular meeting by a simple majority vote of those representatives present. Appointments made to fill vacancies shall fill the remaining term of the vacancy.

ARTICLE V. STAFFING

Section 1. Personnel. The Board contracts with Networks Northwest to coordinate and conduct administration and staffing relating to its purpose, responsibilities and objectives. Personnel assigned to TTCI will adhere to a staffing plan approved by the Policy Board.

Section 2. Other Agencies. The Board may enter into agreements with other public and private agencies, including consultants, for all types of surveys and studies relating to its purpose, responsibilities and objectives. Such surveys and studies shall be identified and described in the annual Unified Work Program.

ARTICLE VI. SUBCOMMITTEES/ADVISORY COMMITTEES/TASK FORCES

Section 1. Establishing Subcommittees, Advisory Committees, and Task Forces. The Board may establish such subcommittees, advisory committees and/or task forces as are deemed necessary to further its purpose in keeping with its responsibilities and objectives.

Section 2. Standing Subcommittees, Advisory Committees and Technical Advisory Committee Standing subcommittees or advisory committees shall be established by the approval of the Board. Standing committees and advisory committees may develop their own Bylaws, subject to the approval of the Board, and not in conflict with **THE AGREEMENT**.

Section 3. Other Subcommittees and Special Topic Groups. Other subcommittees and/or special topic groups may be established to address specific functional areas or individual issues as deemed appropriate.

Section 4. Executive Committee. The Executive Committee is established in **THE AGREEMENT** as a standing subcommittee. The Executive Committee is responsible for

reviewing various items relating to TTCI's management and administration. The membership of the Executive Board is described in Article IV, Section 1.

Section 5. Technical Committee. The Technical Committee shall advise the Governing Board on matters requiring technical planning expertise. The Technical Committee's makeup shall consist of only one (1) representative from each member agency of TTCI. TTCI requests that each member agency designate its Technical Committee representation with preference to engineers, planners, and zoning administrators (in order of preference). Governing Board members may not serve on the Technical Committee as means to better delineate roles and diversify participation in TTCI. Technical Committee meetings are open to the public; however, all deliberations and actions for the purposes of advising the Policy Board are done by Technical Committee membership only.

ARTICLE VII. MEETINGS AND AGENDAS

Section 1. Regular Meetings. The schedule of regular meetings of the TTCI shall be established at the first meeting of the calendar year. These meetings shall take place at a time and location established by the Board.

Section 2. Special Meetings. Special meetings may be called by the Chairperson, by a majority vote of the Board, or upon written request to the Chairperson by three (3) or more Board members.

Section 3. Changes in Meetings. In the event that a regular meeting falls on a holiday, a substitute meeting shall be set by the Board. A cancellation or change in the date of a scheduled meeting shall be communicated to the representatives as promptly as possible.

Section 4. Open Meetings. All Board meetings shall be open to the public and shall be held in conformance with Act 267 of the Public Acts of Michigan of 1976, as amended, known as the "Open Meetings Act."

Section 5. Notices of Meetings. Notices of all regular meetings, including agenda, shall be provided to the Board members and posted to the general public no later than five (5) days prior to the meeting.

Section 6. Agendas. An agenda shall be provided to Board members no later than five (5) days prior to all regular meetings. Where practicable, an agenda will also be mailed for special meetings. The Chairperson has the responsibility of determining the agenda.

ARTICLE VIII. RULES

Section 1. General. Except where specific rules and procedures are set forth herein, Robert's Rules of Order shall govern all meetings.

Section 2. Quorum. A quorum shall be required before any formal action can be taken on agenda items. The presence of a simple majority of the current active voting members (members as defined in Article III, Section 4) OR the presence of three-fifths (3/5) of transportation implementing agencies (Bay Area Transportation Authority, City of Traverse City, Grand Traverse County Road Commission, Leelanau County Road Commission, Michigan Department of Transportation) and two (2) municipalities shall constitute a quorum for the purpose of conducting business. Active voting members are those duly appointed representatives whose membership dues were paid in the prior budget year.

Section 3. Actions by the Board. Except where otherwise specifically stated within these bylaws or within **THE AGREEMENT**, formal adoption of a motion or resolution or other action shall be with the assent of a simple majority of the assigned votes of those representatives at the meeting, with at least a quorum present.

ARTICLE IX. UNIFIED WORK PLAN, FUNDS AND BUDGET

Section 1. Unified Work Plan. TTCI shall undertake the development of an annual Unified Work Plan (UWP) in accordance with the requirements of State and Federal Agencies. The TTCI Policy Board shall direct staff to develop the UWP, present the draft plan to the Policy Board, and Policy Board Members shall review, provide comments and adopt the UWP at their discretion.

Section 1. Budget and Cost Allocation Formula. The Board shall annually adopt a budget as a part of the Unified Work Plan (UWP). The budget shall be prepared and approved in accordance with Michigan Department of Transportation guidelines and timelines. No funds shall be expended without an approved budget.

Section 3. Fiscal Year. The fiscal year shall start October 1 and end September 30.

Section 2. Receipt of Funds. All funds received from local contributions or other sources shall be deposited in a specially designated account by the designated fiscal agent, Networks Northwest. A record will be maintained of all funds received by the TTCI, including interest payments.

Section 3. Expenditure or Obligation of Funds. The TTCI Board, assigned Networks Northwest staff, may cause the expenditure or obligation of funds, if such expenditure or obligation is within the budget approved by the Board and appears to be reimbursable. Examples of such approved expenditures or obligations include salary and fringe benefit costs, indirect costs of operation associated with the conduct of doing business, and direct costs identified in the budget. The expenditure or obligation of funds which are either not budgeted, not reimbursable or may not be reimbursable requires the approval by a simple majority vote of the Board. A continuous record of all funds expended or obligated by the TTCI Board, assigned Networks Northwest staff, shall be maintained.

Section 4. Audit. A competent and independent individual or firm on an annual basis shall audit

the records of receipts, expenditures and obligations in conjunction with the overall Networks Northwest audit, and the results of the audit shall be provided to the TTCI Board.

Section 5. Financial Reports. The Treasurer, assigned Networks Northwest staff, shall provide financial reports to the Board at each regularly scheduled Board meeting, and shall prepare an annual report which can be included in the final Audit Report.

Section 6. Code of Conduct. The Board shall maintain a written Code of Conduct which shall govern the participation of its members, officers, agents and employees engaged in the award and administration of all contracts.

ARTICLE X. AMENDMENTS

Section 1. Procedure of Amendment. These Bylaws may be altered, amended or replaced at any regular or special meeting of the Board by at least two-thirds vote of the representatives of the voting members, each having one (1) vote for the purpose of Bylaw amendment. A copy of the proposed changes shall be filed with the Secretary at least ten (10) days prior to the meeting where such action is proposed to be taken, and the secretary shall send a copy of the proposed change to each representative along with written notice of the time and place of such meeting. The Secretary shall also ensure that representatives receive their notices at least five (5) days prior to such meeting.

Section 2. Continuation and/or Conflict. The Bylaws will remain in full force and effect until such time as amendments are made and approved or until it may be determined the Bylaws are found to be in conflict with the laws or regulations of the State of Michigan or the United States of America.

Approved by the TC-TALUS Board of Directors on August 30, 1990

Amended by the TC-TALUS Board of Directors on January 28, 1993

Amended by the TC-TALUS Board of Directors on September 23, 1993

Amended by the TC-TALUS Board of Directors on January 27, 1994

Amended by the TC-TALUS Board of Directors on September 17, 1998

Amended by the TC-TALUS Board of Directors on April 12, 2006

Amended by the TC-TALUS Board of Directors on May 15, 2007

Amended by the TC-TALUS Board of Directors on January 27, 2009

Amended by the TC-TALUS Board of Directors on June 16, 2009

Amended by the TC-TALUS Board of Directors on October 16, 2012

Amended by the TC-TALUS Board of Directors on August 18, 2015

Amended by the TTCI (formerly named TC-TALUS) Board of Directors on May 17, 2016

Amended by the TTCI Board of Directors on September 18, 2018

Amended by the TTCI Policy Board of Directors on XX XX XXXX