

WHITEWATER TOWNSHIP PLANNING COMMISSION
AGENDA FOR REGULAR MEETING, March 6 2019

7:00 PM, Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address
 - c. Persons may address the Commission on matters that are relevant to township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing:
 - a. Zoning Ordinance Text Amendment 73
 - b. Zoning Ordinance Text Amendment 74
7. Approval of February 2019, meeting minutes
8. Correspondence
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator, Wolf
 - b. Chair, Mangus
 - c. Township Board Representative, Lawson
 - d. ZBA Representative, Hooper
10. Unfinished Business:
 - a. Recodification: Price quotes being gathered for recodification of all Township Amendments
Date preference for a joint meeting, first or second township board meeting in April?
11. New Business:
12. Next Meeting, April 3, 2019, Agenda
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education
16. Adjournment

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

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
February 6, 2019

Call to Order at 7:03 p.m.

Roll Call: Dean, Hooper, Jacobson, Mangus, Render, Savage

Absent: Lawson

Also in attendance: Recording Secretary MacLean, Zoning Administrator Wolf, Clerk Goss + 1 in audience

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Public Comment: None.

Approval of Minutes: Add the clerk's note as an attachment as correspondence to the minutes.

Motion to approve the January 2, 2109, meeting minutes as adjusted by Savage, second by Jacobson. All in favor.
Motion carried.

Correspondence: Tom Cosgrove: "What is the status of an amendment to allow for accessory structures in the RC district? Has anything been drafted by the PC?" Owns a parcel of land and is looking to build something to store recreational equipment.

We can send what we have worked on to the board.

Consensus to forward our personal storage article 37 and temporary uses (part of the 37 review) and definition to the board for their review. Wolf will contact Mr. Cosgrove and let him know.

Reports:

Zoning Administrator Report, Wolf: Fire Chief Flynn, Hooper and Wolf worked with a gentleman (Evina) about a commercial campground. A draft survey about event barns has been completed. Training options for the PC. Monthly zoning e-newsletter started in January.

Chair's Report, Mangus: Newsletter bios. E-newsletters only go to about a third of the property owners. Recodification and compilation of e-newsletters for the April newsletter.

Township Board Rep., Lawson: N/A.

ZBA Representative, Hooper: January meeting elected officers, kept the same. We addressed a rear yard and side yard setback for one parcel on Miami Beach. Approved the rear yard setback, did not approve the side yard.

Mansfield Land Use Consultants is working with Mr. Evina on the commercial campground. Evina will have to bring what is there already into compliance in order to move forward.

Committee Reports: None.

Additional Items: None.

Old Business:

1. Recodification price quotes: Board looking for PC input on the three proposals. The Clerk is here to answer any questions and to relay any questions to the companies.
There is good detail in the proposals.
Recodification hard copy and linked on-line.
They keep it updated on-line and hard copy.
Looking to recodify the General Ordinances also because the ordinances are inter-connected. It will make for a more useable document.
The ordinances can be downloaded.
Need to be cautious of how the on-line features are set up and actually work.
Having a company do the on-going updates assures that it will be right now and into the future.
The ZO was previously recodified in 1991 but the document cannot be found. The 1994 document is very good with an index and a very good table of contents but that information is not in the current ordinance.
Pictures and charts?
Produce it in a Word document / non-proprietary software program.
Get a link to a local entity so we can see what the finished product looks like. There are references listed that are close to our size.

Would like to see the township get the one year maintenance (at least).

Can send an email to the Clerk or the ZA with any questions.

2. Zoning Amendments 73 & 74: Review attorney correspondence. Discussion: Consensus that we do not want the two amendments combined into one amendment. Looks like there were changes made that need to be addressed on our end. We'll get 73 and 74 ready for public hearing.

Keep the playground equipment for churches the way we had it previously – consensus.

Schools to be allowed in R1, R2 & R3 districts as special use only – consensus.

Redundancies addressed.

The way he read the intent of R3 and multi-family (three units) sounds like it is what we intended. Schools and apartment buildings (three or more units) should be by special use permit - consensus.

Waterfront property structure on shared easements or no. Intent is to allow a structure – consensus.

Consensus to move Amendments 73 and 74 to public hearing for the March meeting.

New Business:

1. Spring Newsletter: Information from the e-newsletter will be part of the April newsletter PC section. Individual bios in the spring newsletter and on the website. Provide to Lindsey with the bios. Brief info of where the PC is and what's going on by April 1 for the spring newsletter.

Next meeting: March 6, 2019, Agenda: Public hearing on amendments 73 and 74. Complete the items that we have already been working on, personal storage. Need to have the RC district 5 / 1 acre issue addressed before and separately from recodification. The plan is to have our attorney look at it first. Environmentally sensitive ordinance (#27).

Public Comment: None.

Commission Discussion/Comments: None.

Continuing Education: None.

Adjournment: 8:57 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Whitewater Township Planning Commission
Proposed Amendment No. 73 to the Whitewater Township Zoning Ordinance

The Whitewater Township Planning Commission will conduct a public hearing at its regular meeting on March 6, 2019, at 7:00 p.m., at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI, to receive public comment on Proposed Amendment No. 73 to the Whitewater Township Zoning Ordinance as follows:

Article VII, Multiple Residential R-2 & R-3: Revised in its entirety.
Article XIV, Easement to Waterfront: Revised in its entirety.

All persons are welcome to attend and will be heard concerning the proposed amendments. A copy of the complete text of the proposed amendments is available for public viewing at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours, or on the home page of the township website at www.whitewatertownship.org.

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

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at (231) 267-5141 x24 or the TDD at 800-649-3777 at least 5 days in advance of the public hearing.

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 73**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2019, at __:___ p.m., Township Board Member _____ moved to adopt the following Ordinance, which motion was seconded by Township Board Member _____:

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended to develop a standard and more user-friendly format, to simplify and clarify regulations, to revise and organize permitted and special uses, to move all waterfront-related regulations to one article, to prepare for recodification, and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance; in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

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

SECTION 1: AMENDMENT TO ARTICLE VI. The Whitewater Township Zoning Ordinance, Article VI shall be amended to add the following new and additional Section 6.01, which shall read as follows:

6.01 INTENT.

It is the intent of the Residential District R1 to provide a dedicated space for residential structures, specifically Single-Family Dwellings, and the structures and uses typically associated with a residential area.

SECTION 2: AMENDMENT TO ARTICLE VI, SECTION 6.10. The Whitewater Township Zoning Ordinance, Article VI, Section 6.10 shall be amended to read as follows:

6.10 PERMITTED USES.

The following uses are permitted by right in the Residential District R-1:

- A. Single family dwellings.
- B. Publicly owned and operated parks and recreational facilities.
- C. The keeping of animals for home use and enjoyment subject to all applicable requirements of Article 37, Supplementary Provisions.
- D. Adult foster care facilities serving 6 or less individuals.
- E. Family day-care homes serving 6 or less individuals.
- F. Churches under 5,000 square feet in area.

G. Home occupations subject to the requirements of Article 37, Supplementary Provisions.

H. Accessory buildings and uses customarily incidental to the same.

SECTION 3: AMENDMENT TO ARTICLE VI, SECTION 6.11. The Whitewater Township Zoning Ordinance, Article VI, Section 6.11 shall be amended to read as follows:

6.11 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25:

A. Bed and Breakfast Establishments.

B. Schools.

C. The keeping, breeding or training of dogs for monetary gain or for profit, subject to all applicable requirements of Article 37, Supplementary provisions.

D. Adult foster care facilities serving more than 6 individuals.

E. Family day-care homes serving more than 6 individuals.

F. Group day-care homes serving more than 6 individuals.

G. Churches 5,000 square feet or greater in area.

H. Planned Unit Developments.

SECTION 4: AMENDMENT TO ARTICLE VI, SECTION 6.12. The Whitewater Township Zoning Ordinance, Article VI, Section 6.12 shall be amended to read as follows:

6.12 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.

All structures, lots and setbacks shall comply with the regulations established in Article 12 of this Ordinance.

SECTION 5: AMENDMENT TO ARTICLE VI, SECTION 6.13. The Whitewater Township Zoning Ordinance, Article VI, Section 6.13 shall be amended to read as follows:

6.13 SUPPLEMENTARY STANDARDS – Reserved for Future Use.

SECTION 6: AMENDMENT TO ARTICLE VI, SECTION 6.14. The Whitewater Township Zoning Ordinance, Article VI, Section 6.14 shall be deleted in its entirety.

SECTION 7: AMENDMENT TO ARTICLE VII. The Whitewater Township Zoning Ordinance, Article VII, shall be amended to add the following new and additional Section 7.01, which shall read as follows:

7.01 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.

SECTION 8: AMENDMENT TO ARTICLE VII, SECTION 7.10. The Whitewater Township Zoning Ordinance, Article VII, Section 7.10 shall be amended to read as follows:

7.10 PERMITTED USES.

The following uses are permitted by right in the R-2 District:

- A. All uses permitted by right in the Residential District R-1.
- B. Two family dwellings.
- C. Schools.
- D. Farming of all types, subject to the requirements of Article 37, Supplementary Provisions.
- E. Libraries.

SECTION 9: AMENDMENT TO ARTICLE VII, SECTION 7.11. The Whitewater Township Zoning Ordinance, Article VII, Section 7.11 shall be amended to read as follows:

7.11 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25:

- A. All special uses permitted and as regulated in the Residential District R-1.
- B. Planned Unit Developments.
- C. Residential Care Facilities, Convalescent or Nursing Homes.

SECTION 10: AMENDMENT TO ARTICLE VII, SECTION 7.12. The Whitewater Township Zoning Ordinance, Article VII, Section 7.12 shall be amended to read as follows:

7.12 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.

All structures, lots and setbacks shall comply with the regulations established in Article 12 of this Ordinance.

SECTION 11: AMENDMENT TO ARTICLE VII, SECTION 7.13. The Whitewater Township Zoning Ordinance, Article VII, Section 7.13 shall be amended to read as follows:

7.13 SUPPLEMENTARY STANDARDS – Reserved for Future Use.

SECTION 12: AMENDMENT TO ARTICLE VII, SECTION 7.14. The Whitewater Township Zoning Ordinance, Article VII, Section 7.14 shall be deleted in its entirety.

SECTION 13: AMENDMENT TO ARTICLE VII. The Whitewater Township Zoning Ordinance, Article VII, shall be amended to add the following new and additional Section 7.50, which shall read as follows:

7.50 RESIDENTIAL R-3.

SECTION 14: AMENDMENT TO ARTICLE VII. The Whitewater Township Zoning Ordinance, Article VII, shall be amended to add the following new and additional Section 7.51, which shall read as follows:

7.51 INTENT.

It is the intent of the Residential District R3 to provide a dedicated space for residential structures, specifically multi-family dwellings, townhouse, apartments, and other compatible uses.

SECTION 15: AMENDMENT TO ARTICLE VII. The Whitewater Township Zoning Ordinance, Article VII, shall be amended to add the following new and additional Section 7.61, which shall read as follows:

7.61 SPECIAL USES.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25:

- A. All special uses permitted and as regulated in the Residential District R-2.
- B. Multi-family dwelling such as townhouses and apartments.

SECTION 16: AMENDMENT TO ARTICLE VII. The Whitewater Township Zoning Ordinance, Article VII, shall be amended to add the following new and additional Section 7.62, which shall read as follows:

7.62 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.

All structures, lots and setbacks shall comply with the regulations established in Article 12 of this Ordinance.

SECTION 17: AMENDMENT TO ARTICLE VII. The Whitewater Township Zoning Ordinance, Article VII, shall be amended to add the following new and additional Section 7.63, which shall read as follows:

7.63 SUPPLEMENTARY STANDARDS – Reserved for Future Use.

SECTION 18: AMENDMENT TO ARTICLE XIV. The Whitewater Township Zoning Ordinance, Article XIV, shall be amended to have the following heading:

**ARTICLE XIV
WATERFRONT PROPERTY**

SECTION 19: AMENDMENT TO ARTICLE XIV, SECTION 14.10. The Whitewater Township Zoning Ordinance, Article XIV, Section 14.10 shall be amended to read as follows:

14.10 SHARED WATERFRONT EASEMENTS.

In the event that a waterfront property is used for shared easement purposes the following conditions shall apply:

A. A waterfront property accessed by one off-water dwelling unit shall have a minimum of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet.

B. Where a waterfront property is accessed by more than one off-water dwelling unit, an additional fifty (50) feet of continuous frontage on the water is required for each additional off-water dwelling unit accessing the property.

SECTION 20: AMENDMENT TO ARTICLE XVI. The Whitewater Township Zoning Ordinance, Article XVI, shall be amended to add the following new and additional Section 14.11, which shall read as follows:

14.11 SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

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

A. A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:

- 1.** Vegetative strips shall consist of native trees, shrubs, vegetation and other natural materials.
- 2.** Existing native vegetation should be preserved whenever possible.
- 3.** No ponds shall be constructed, no earth moved, surface soils removed or filled for building within the managed vegetative strip.
- 4.** Utility lines shall be installed only as follows:
 - (a)** New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment.

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

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

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

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

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

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

1. Stabilize the river banks.

2. Prevent erosion.

3. Absorb nutrients in water runoff from adjacent lands.

4. Provide shading for the stream to maintain cool water temperature.

5. Screen adjacent man-made structures.

SECTION 21: SEVERABILITY. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 22: EFFECTIVE DATE. This Ordinance shall become effective seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

SECTION 23: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Ron Popp, Whitewater Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2019, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2019.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Grand Traverse County Clerk on _____, 2019.

ATTESTED:

Cheryl Goss, Whitewater Township Clerk

7.00

**ARTICLE VII
MULTIPLE RESIDENTIAL R-2 & R-3
RESIDENTIAL R-2**

7.01 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.

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7.10 USES PERMITTED USES, R-2

The following uses are permitted by right in the R-2 District. No building or structure or any part thereof shall be erected, altered or used, or land or premises used, in whole or in part in Residential District R-2 for other than one or more of the following specified uses, viz:

A. All uses permitted and as regulated in by right in the Residential District R-1.

B. Two family dwellings.

C. Home occupations carried on in a family dwelling provided that there be no external evidence of such occupation excepting a name plate not more than four (4) square feet in area, without illumination and of a character in keeping with the neighborhood and provided, further, that said occupation does not require nor effect any change in the external character of the building.

D. Churches provided that off street parking shall be provided to the extent of an area equal to the area of the building.

CE. Schools provided that off street parking shall be provided to the extent of an area equal to the area of the building.

DF. Farming of all types, provided that the keeping of livestock and poultry shall comply with the requirements set forth in Section 6.10-F subject to the requirements of Article 37, Supplementary Provisions.

EG. The Planning Commission may consider as a Special Use Permit any other use similar to the uses permitted in the zoning district Libraries.

7.11 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25:

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A. All special uses permitted and as regulated in the Residential District R-1.

B. Planned Unit Developments.

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C. Residential Care Facilities, Convalescent or Nursing Homes.

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7.124 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.

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All structures, lots and ~~structure set back from property lines~~ setbacks shall comply with the regulations established in Article ~~XII-12~~ of this Ordinance.

7.13 SUPPLEMENTARY STANDARDS – Reserved for Future Use,

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7.50 RESIDENTIAL R-3.

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7.51 INTENT.

It is the intent of the Residential District R3 to provide a dedicated space for residential structures, specifically multi-family dwellings, townhouse, apartments, and other compatible uses.

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7.6012 USES PERMITTED R-3 USES.

The following uses are permitted by right in the R-3 District ~~No building or structure or any part thereof shall be erected, altered or used, or land, or premises used, in whole or in part in Residential District R-3 for other than one or more of the following specified uses, viz:~~

A. All uses permitted ~~and as regulated by right~~ in Residential District ~~R-1 and in Residential District~~ R-2.

~~B. Multiple dwellings.~~

7.61 SPECIAL USES.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25:

~~A. All special uses permitted and as regulated in the Residential District R-2.~~

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~~B. Multi-family dwelling such as townhouses and apartments,~~

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~~C. Home occupations carried on in a family dwelling provided that there be no external evidence of such occupation excepting a name plate not more than four (4) square feet in area, without illumination and of a character in keeping with the neighborhood and provided, further, that said occupation does not require nor effect any change in the external character of the building.~~

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~~D. Churches provided that off-street parking shall be provided to the extent of an area equal to the area of the building.~~

~~E. Shools provided that off-street parking shall be provided to the extent of an area equal to the area of the building.~~

~~F. Farming of all types, provided that the keeping of livestock and poultry shall comply with the requirements set forth in Section 6.10 F.~~

~~G. Any other use would be by special use permit as approved by the Planning Commission.~~

~~7.6243 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.~~

All structures, lots and ~~structure set back from property lines setbacks~~ shall comply with the regulations established in Article ~~XII-12~~ of this Ordinance.

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~~7.63 SUPPLEMENTARY STANDARDS – Reserved for Future Use.~~

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~~7.14 Uses permitted by Special Use Permit~~

~~1. Planned Unit Development~~

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~~2. The Planning Commission may consider as a Special Use Permit any other use similar to the uses permitted in the zoning district.~~

ARTICLE XIV

EASEMENT TO WATERFRONT

14.10 MINIMUM AREA AND FRONTAGESHARED WATERFRONT EASEMENTS.

In the event that a waterfront property is used for shared easement purposes the following conditions shall apply:

A. A waterfront property accessed by one off-water dwelling unit shall have a minimum of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet.

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B. Where a waterfront property is accessed by more than one off-water dwelling unit, an additional fifty (50) feet of continuous frontage on the water is required for each additional off-water dwelling unit accessing the property.

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14.11 SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY.

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

A. A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:

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

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2. Existing native vegetation should be preserved whenever possible.

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

4. Utility lines shall be installed only as follows:

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

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

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

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

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

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

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

1. Stabilize the river banks.

2. Prevent erosion.

3. Absorb nutrients in water runoff from adjacent lands.

4. Provide shading for the stream to maintain cool water temperature.

5. Screen adjacent man-made structures. In the event any land having water frontage is used for easement or beach purposes and does not contain any structure then it shall have a minimum area of twenty thousand (20,000) square feet and a minimum frontage on the water of not less than one hundred (100) feet when said lot is used by one off water lot or unit containing a single family dwelling. An additional fifty (50) feet of continuous frontage on the water is required for each additional off water lot or condominium unit in excess of one. If permitted off water multi family dwellings and or condominium units shall be subject to the standards listed above per single family dwelling or condominium unit.

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LEGAL NOTICE
NOTICE OF PUBLIC HEARING
Whitewater Township Planning Commission
Proposed Amendment No. 74 to the Whitewater Township Zoning Ordinance

The Whitewater Township Planning Commission will conduct a public hearing at its regular meeting on March 6, 2019, at 7:00 p.m., at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI, to receive public comment on Proposed Amendment No. 74 to the Whitewater Township Zoning Ordinance as follows:

Article VI, Residential R1, revised in its entirety.

All persons are welcome to attend and will be heard concerning the proposed amendment. A copy of the complete text of the proposed amendment is available for public viewing at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, during regular office hours, or on the home page of the township website at www.whitewatertownship.org.

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

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at (231) 267-5141 x24 or the TDD at 800-649-3777 at least 5 days in advance of the public hearing.

Cheryl A. Goss
Whitewater Township Clerk

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
ZONING ORDINANCE AMENDMENT NO. 74**

At a meeting of the Township Board of Whitewater Township, Grand Traverse County, Michigan, held at the Whitewater Township Hall on _____, 2019, at __:___ p.m., Township Board Member _____ moved to adopt the following Amendment, which motion was seconded by Township Board Member _____:

To amend the Whitewater Township Zoning Ordinance, to develop a standard and more user-friendly format, to simplify and clarify regulations, to prepare for recodification, and to repeal any ordinances or parts of ordinances or resolutions in conflict with this Ordinance; in order to maintain the public health, safety, and welfare of the residents of and visitors to Whitewater Township.

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

SECTION 1: AMENDMENT TO ARTICLE VI. The Whitewater Township Zoning Ordinance, Article VI shall be amended to add the following new and additional Section 6.01, which shall read as follows:

6.01 INTENT.

It is the intent of the Residential District R1 to provide a dedicated space for residential structures, specifically Single-Family Dwellings, and the structures and uses typically associated with a residential area.

SECTION 2: AMENDMENT TO ARTICLE VI, SECTION 6.10. The Whitewater Township Zoning Ordinance, Article VI, Section 6.10 shall be amended to read as follows:

6.10 PERMITTED USES.

The following uses are permitted by right in the Residential District R-1:

- A. Single family dwellings.
- B. Publicly owned and operated parks and recreational facilities.
- C. The keeping of animals for home use and enjoyment subject to all applicable requirements of Article 37, Supplementary Provisions.
- D. Adult foster care facilities serving 6 or less individuals.
- E. Family day-care homes serving 6 or less individuals.
- F. Churches under 5,000 square feet in area.
- G. Home occupations subject to the requirements of Article 37, Supplementary Provisions.

H. Accessory buildings and uses customarily incidental to the same.

SECTION 3: AMENDMENT TO ARTICLE VI, SECTION 6.11. The Whitewater Township Zoning Ordinance, Article VI, Section 6.11 shall be amended to read as follows:

6.11 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25:

A. Bed and Breakfast Establishments.

B. Schools.

C. The keeping, breeding or training of dogs for monetary gain or for profit, subject to all applicable requirements of Article 37, Supplementary provisions.

D. Adult foster care facilities serving more than 6 individuals.

E. Family day-care homes serving more than 6 individuals.

F. Group day-care homes serving more than 6 individuals.

G. Churches 5,000 square feet or greater in area.

H. Planned Unit Developments.

SECTION 4: AMENDMENT TO ARTICLE VI, SECTION 6.12. The Whitewater Township Zoning Ordinance, Article VI, Section 6.12 shall be amended to read as follows:

6.12 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.

All structures, lots and setbacks shall comply with the regulations established in Article 12 of this Ordinance.

SECTION 5: AMENDMENT TO ARTICLE VI, SECTION 6.13. The Whitewater Township Zoning Ordinance, Article VI, Section 6.13 shall be amended to read as follows:

6.13 SUPPLEMENTARY STANDARDS.

A. Churches and related buildings or structures customarily incidental thereto shall meet the following standards:

1. Churches within under 5,000 square feet shall be allowed as a permitted use with site plan review.
2. Any churches over 5,000 square feet shall require a special use permit per Article 25.
3. Any playground equipment or accessory structures requiring a building permit shall meet the setback requirements for the district.

SECTION 6: AMENDMENT TO ARTICLE VI, SECTION 6.14. The Whitewater Township Zoning Ordinance, Article VI, Section 6.14 shall be deleted in its entirety.

SECTION 7: SEVERABILITY. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 8: EFFECTIVE DATE. This amendment shall become effective seven (7) days after publication of a notice of adoption of this amendment, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this amendment will take effect in accordance with MCL 125.3402.

SECTION 9: REPEAL. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

CERTIFICATION

I hereby certify that:

The above is a true copy of Amendment 74 adopted by the Whitewater Township Board at a duly scheduled and noticed meeting of that Township Board held on _____, 2019, pursuant to the required statutory procedures.

A summary of Amendment 74 was duly published in the _____ newspaper, a newspaper that circulates within Whitewater Township, on _____, 2019. This amendment shall become effective seven (7) days after publication of a notice of adoption of this amendment, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this amendment will take effect in accordance with MCL 125.3402.

Within 1 week after such publication, I recorded Amendment 74 in a book of ordinances kept by me for that purpose, including the date of passage of the amendment, the names of the members of the township board voting, and how each member voted.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

Cheryl Goss, Whitewater Township Clerk

6.00

**ARTICLE VI
RESIDENTIAL R-1**

6.01 INTENT.

It is the intent of the Residential District R1 to provide a dedicated space for residential structures, specifically Single-Family Dwellings, and the structures and uses typically associated with a residential area.

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6.10 USES PERMITTED USES.

~~No building or structure or any part thereof shall be erected, altered or used, or land or premises used in whole or in part in Residential District R-1 for other than one or more of the following specified uses, viz~~The following uses are permitted by Right in the Residential District R-1:

A. Single family dwellings.

B. Publicly owned and operated parks and recreational facilities.

~~C. Residences which do not conform to the standards of Section 3.13 A of this Ordinance shall not be used for dwelling purposes within the Township except that such nonconforming mobile homes can be located within a mobile home park or a mobile home plat zoned for such uses or except as may be elsewhere in these ordinances provided or unless used for temporary residence purposes as hereinafter provided.~~

CD. The keeping of animals for home use and enjoyment subject to all applicable requirements of Article ~~XXXVII, Section 37.20,37,~~ Supplementary Provisions.

~~E. Accessory buildings such as a detached garage or boathouse for the storage of automobiles and boats, provided, however, that the same comply with setback restrictions and side yard requirements of the dwelling.~~

~~F. Storage of any or all property or equipment must be in compliance with building setback requirements from all property lines.~~

D. Adult foster care facilities serving 6 or less individuals.

E. Family day-care homes serving 6 or less individuals.

F. Churches under 5,000 square feet in area.

G. Home occupations subject to the requirements of Article 37, Supplementary Provisions.

H. Accessory buildings and uses customarily incidental to the same.

~~**6.11 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.**~~

~~All structures, lots and structure set back from property lines shall comply with the regulations established in Article XII of this Ordinance.~~

6.12 ARTIFICIAL BODY OF WATER:

An artificial body of water shall be permitted in compliance with all State and Federal regulations:

6.13 SPECIAL REQUIREMENTS:

The following special requirements shall apply to the Boardman River and its tributaries described in Article V, Section 5.10 of this Ordinance.

~~A. A managed vegetative strip shall be maintained within fifty (50) feet of the water's edge, as follows:~~

- ~~1. This vegetative strip shall consist of native trees, shrubs, and other vegetation and materials.~~
- ~~2. Cutting of existing trees and shrubs shall not be allowed except in accordance with a plan approved by the Zoning Board of Appeals. In passing upon such applications, the Zoning Board of Appeals shall consider all relevant factors pertaining to the purpose of the vegetative strip which 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 temperature and screening of adjacent man-made structures.~~
- ~~3. No ponds shall be constructed, no earth moved, surface soils removed or filled for building within the managed vegetative strip.~~
- ~~4. Utility lines shall be installed only as follows:~~
 - ~~a) New distribution lines for utilities within the housing setback line shall be placed underground unless overhead lines are less disruptive to the environment.~~
 - ~~(b) Brushy vegetation shall be restored to the disturbed area in the managed vegetation strip.~~
 - ~~(c) Local service lines to private dwellings shall originate from the landward side of the dwelling.~~
 - ~~(d) Chemical control of vegetation shall be prohibited within the managed vegetative strip.~~
- ~~5. Fencing, grazing, riding trails and soil tilling for farm crops is prohibited within the managed vegetative strip.~~
- ~~6. The use of the managed vegetative strip for stock watering areas, stream crossing of horseback trails is subject to the approval of the Zoning~~

Administrator, who may require a plan from the Soil Conservation District as part of the requirement for use.

6.14.11 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted upon securing a Special Use Permit in accordance with the procedures of Article 25. The following uses of land and structures may be permitted by the application to the Planning Commission for and the issuance of a special use permit when specified procedures and requirements, as outlined in the article in section cited, are complied with:

A. Bed and Breakfast Establishments.

B. Schools.

C. The keeping, breeding or training of dogs for monetary gain or for profit, subject to all applicable requirements of Article 37, Supplementary provisions.

D. Adult foster care facilities serving more than 6 individuals.

E. Family day-care homes serving more than 6 individuals.

F. Group day-care homes serving more than 6 individuals.

G. Churches 5,000 square feet or greater in area.

H. Planned Unit Developments.

1. Bed and Breakfast Establishments: subject to all requirements of Article XXV, Sections 25.12, 25.13 and 25.20.

2. Schools subject to all applicable requirements of Article XXV, Site Plan Review and other applicable Articles of the Ordinance.

3. The keeping, breeding or training of dogs for monetary gain or profit shall be subject to all applicable requirements of Article XXV, Site Plan Review and Article XXXVII, Section 37.30, Supplementary Provisions.

6.14.2 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS.

All structures, lots and structure set back from property lines setbacks shall comply with the regulations established in Article ~~XXII~~ 12 of this Ordinance.

6.13 SUPPLEMENTARY STANDARDS – Reserved for Future Use.

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