

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: **FRIDAY**, Dec 3, 2021, 07:00 PM

Join Zoom Meeting

<https://us06web.zoom.us/j/81669182142?pwd=RU5QdUFESGE5YUx4aVNQcS9OejVGUT09>

Meeting ID: 816 6918 2142

Passcode: 834338

One tap mobile

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Dial by your location

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Meeting ID: 816 6918 2142

Passcode: 834338

WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING *December 3, 2021*

7:00 p.m., Whitewater Township Hall

Via ZOOM and in person

5777 Vinton Road, Williamsburg, MI 49690

Phone 231-267-5141/Fax 231-267-9020

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: None
7. Approval of minutes of November 5, 2021.
8. Correspondence: Slopsema, Shulte, Keaton, Bowerman

PC agenda 12/03/2021

9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator, Hall
 - b. Chair, Mangus: Article 18 – ZBA, Engineering and Planning Consultants
 - c. Township Board Representative: No representative assigned
 - d. ZBA Representative: No representative assigned

10. Unfinished Business:
 - a. Master Plan Update, Mr. Grobbel
 - b. Preliminary Site Plan Review – M72/Moore Rd./Crisp Rd., Sunlight Resort townhouses and campground
 - c. Article 5 – Zoning District Review-Rules of Interpretation, Commercial/Industrial/Village/Multi-Family
 - d. Marihuana Zoning Ordinance Amendment – Review Recreational, Medical picking up at Section 6

11. New Business:
 - a. Article 12, District Setbacks, Initial Presentation
 - b. Discuss Subcommittee formation to complete ongoing projects

12. Next Meeting Friday, January 7, 2022
13. Public Comment
14. Commission Discussion/Comments – PC update to TB
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.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
In-person and via ZOOM
November 5, 2021

Call to Order at 7:02 p.m.

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

Unfilled seats: One commissioner, Board Representative and PC Representative to the ZBA unassigned

Also in attendance: Zoning Administrator Hall and Recording Secretary MacLean

Set / Adjust Agenda:

Declaration of Conflict of Interest: None.

Public Comment: Al Keaton, 5296 Scofield trail, environmental concerns with the preliminary site plan review.

Randy Steelman, 7315 Crisp Road, regarding the plan review: Crisp road is not set up for additional vehicles.

Tom Yax, 5377 Scofield, 300 apartments and 300 campground sites would drastically impact the area with more people with different priorities.

Linda Slopsema, 9693 Miami Beach Rd., draft marihuana ordinance concerns from the tours.

Denise Peltonen, Elk Lake Rd., marihuana ordinance setback concerns.

Public Hearing: None

Approval of Minutes:

MOTION by Jacobson, second by Dean to approve October 6, 2021, meeting minutes.

Roll call: Dean-yes; Jacobson-yes; Mangus-yes; Wroubel-yes; Darrow-Not Applicable. All in favor. Motion carried.

Correspondence: None.

Reports:

Zoning Administrator Report, Hall: Planning and Zoning News magazines. M72 corridor interest. Public hearings will be held for the special uses for the, at this point, preliminary site plan review. Very busy in the zoning department. You are receiving a lot of important input from the public on the marihuana zoning.

Chair's Report, Mangus: Report to the board based on the approved minutes. May want to have a PC member attend board meetings to give the PC report. The Board packet has already gone out for the October / November reports.

Township Board Rep., Not assigned

ZBA Representative,: Not assigned, via ZA Hall. GT Plastics expansion ultimately requires fire suppression so an extension on the building needed to be added. The ZBA heard the case and approved to allow the variance to the setback.

Committee Reports: None.

Additional Items: None.

Unfinished Business:

1. Master Plan Review, Mr. Grobbel: via ZA Hall: relay message: Mr. Grobbel has been driving the township and getting the demographics. Will have a report next month.
2. Proposed Marihuana Zoning Ordinance Amendment #79 (recreational grow and process): We did receive feedback opposing it in the Commercial District. Discussed zoning districts: Commercial, Ag, Industrial. Consensus to not allow in the Commercial District at this time, yes in Industrial and Ag. Part of the cycle is to "burp" the grow buildings so there is going to be odor. Wroubel notes that the rule is / should be zero odor at the lot line. Odor is subjective. Dean notes that Vassar is all in. It is not a financial windfall for the township. Property tax values of those specific properties will increase and we will get the small percentage added to the township coffers. It will bring jobs. Mangus: Is everyone okay with holding #80 until we are ready with #79? Consensus – yes. Run through of the proposed amendment (s) and possible changes.

Stop at Section 6 to pick up at the December meeting.

3. Zoning Ordinance, Article 5, Zoning Districts. The Supervisor indicates that he is working with the zoning amendments, survey descriptions and current map with the GT County GIS to come up with a map. Mangus notes that the PC can adopt the current zoning map, the map that the ZA currently uses, because so much of the township does not show up in the Article 5 text. Propose throwing out Article 5 and adopt the current map that is being used.
State statute says that we must use a map.
There are a couple parcels that need to be looked at more thoroughly along with the density along the creeks.
Will bring back next month.
4. PC appointments and recommendations, ZBA representative and Planning Commission Secretary.
Mike is good with being the PC Secretary.
Carl Wroubel has volunteered to be the PC Rep to the ZBA.
MOTION by Dean, second by Jacobson to recommend to the Board Wroubel as the PC at the ZBA.
Roll call: Darrow-yes; Jacobson-yes; Mangus-yes; Wroubel-yes; Dean-yes. Motion carried.

New Business:

1. Preliminary Site Plan Review – Multi-family/Campground M72/Moore Rd./Crisp Rd. Goal to have a public hearing in January.
Grand Traverse County has a lack of housing. Creating townhouses and campground.
Presentation of water and sewer. Underground chambers. In the process of requesting a permit from EGLE.
Traffic study has already been done. MDOT has given input of the deceleration lane on M72 and it already has a left turn lane.
Crisp Road would be emergency access only. Chief Flynn will need to look further into the emergency access using the 2018 Fire Code. The multi-family section will require fire suppression / fire hydrants (needing water from the Tribe or their own water tank).
Main entrances would be M72 and Moore Road.
This is a huge increase in the number of residences. The density is stunning.
Left turns onto M72 is very difficult and you will probably have to come up with more on the traffic.
Zoning Administrator summary, look at the proposal based on the zoning districts. Questions and notes have been taken and will be addressed. Uses are listed as special uses.
Two developments and two public hearings multifamily development and camp ground park.
It will not just be regular traffic, there will be campers and RVs and the like.
Thirty two acres of dense housing.
It is not being received well from people that have contacted Mangus.
Artificially creating a density by utilizing off site septic. The Township plan is actually based on four homes per acre based on well and septic needs and uses.
Need to see sidewalks, bike paths, possible RV trail, our subdivision control ordinance has a specific road ordinance.
Concern with RV park is the density and lack of amenities: club house, main office, picnic tables, etc., it comes across more as a trailer park since there are no recreational amenities. Campground is designed to be transient.
Will want a surety from the developer that it is for recreation not a high density trailer park.
Requirement for open space for trees per parking spot.
Commercial requires vegetation buffers.
Is this consistent with our Master Plan?
The density is likely going to be biggest issue.
Need to see more recreation in the RV.
Maintain the character of our township.
Sidewalks and walking paths. Landscaping will likely need to be addressed.
What is a park model unit? A small house, modular home. Gives the appearance of a trailer park.
ZA: Exparte communications, Kim gets more calls than anyone about applications. Commissioners are unable to talk about this unless it is in a public setting. People can be directed to speak with the ZA. Due process must be followed. You must disclose the content of the conversations. Taking comment from the public is different than

back and forth conversation.

Place the preliminary site plan review on the December meeting.

2. Marihuana, board level sub-committee appointment. Order of operations, application process, etc., needs to be addressed. Jacobson volunteers to be on the subcommittee.

Next Regular Meeting is scheduled for Friday, December 3, 2021.

Draft Marihuana Zoning Ordinance #79 and #80.

Article 5, zoning map.

Preliminary site plan review.

Public Comment: Denise Peltonen, regarding standards of the draft marihuana ordinance.

Linda Slopsema, note from Keith and Jaqueline Schulte, 7660 Crisp Road, regarding the preliminary site plan review: opposed to the campground proposed.

Commission Discussion/Comments: Notes from last month are basically the minutes.

Odor ordinances say zero odor is allowed.

Continuing Education: Planning and Zoning News presented for commissioner education.

Adjournment: 9:45 p.m.

Respectfully Submitted

Lois MacLean,

Recording Secretary

Dear Whitewater township,

It has come to our attention this afternoon that the topic of allowing the building of multi-family housing and 300 unit campground will be addressed tonight at the Whitewater town hall meeting. My family is unable to attend with this notice, however, we need our voice to be heard.

I am writing this letter in vehement opposition for the allowance of this Multi-family housing/300 unit campground directly across the street from our family home. We are severely concerned over this proposed usage of the land on our neighborhood street for many reasons. We are concerned for the volume of proposed sites and the amount of buildings due to the amount of traffic flow in and around our neighborhood, which could invite unwanted traffic and or higher crime in our area. Especially with a large volume campground we are concerned with the inflow and outflow of campers and trailers switching daily. This property is also a very open space and highly visible from our road. We are very concerned for the amount of potential noise and potential misuse of resources such as late night parties, smoke from campfires and misplaced garbage. We are concerned for overcrowding in this local area and the strain it would have on the immediate community. Our experience is that the local stores already struggle in the summer months to keep shelves stocked. Our immediate community would not have the resources to support this proposition.

This has come to our attention that this is from an out of town investment company with no understanding or interest of the peaceful neighborhood that surrounds this property. We ask for every individual present to consider whether they would indeed prefer to have their established family home suddenly overlooking 300 campsites with individuals from out of town. We moved to this location based on the open space and country feel that our neighborhood currently provides. We ask that for the sake of our local community that a proposed project of this size and the negative implications that it brings with it be swiftly denied.

Thank you for hearing our concerns,
Keith and Jaclyn Schulte

Kim,

There're a few major environmental issues surrounding the development that Sunlight hasn't addressed. On a small pad (86 acres) their planning to put 2032 people that's 24 full time residents/acre. This is based on their drawings which are difficult at best to see and read due to quality.

Potable water: I contacted USGS and EPA and based on their figures averaging between the two, fresh water usage is put at 117 gallons/person/day. This equals 23,751 gallons/day or 989 gallons/hour minimum demand on our aquifer. Although Sunrise development states they will get water from the Tribe remember, the Tribe owns the tank and pumps but, they do not own the aquifer that's all of ours.

Sunrise Development nor the Tribe have run a standard third party aquifer drawdown test with static and flowing fluid levels - shut-in fluid levels - prior to and after - calculating recovery with deliverability monitoring equipment to see if the aquifer can withstand the three major components sucking on our water. The three are; casino facilities – tribal property hops farming (which requires thousands of gallons/day) and the 23,751 gallons (565 barrels) needed (min) to supply the residents of Sunlight Development. The oil and gas industry is strictly regulated as to amounts used having to supply proof of usage thru third parties but Tribal is not , no jurisdiction. Maintaining potable qualities insuring safety since it's on Tribal property, GT. County health has no jurisdiction over them (just suggestions or recommendation).

Sewage: Sunrise Development states the Tribe is handling the sewage. Remember if 23,751 gallons/day come into the property, 23,751 gallons (565 barrels) must go out thru daily usage. Again, G.T health doesn't have authority over Tribal property so there isn't public/government oversight. Shut down threats to bring back into or maintain compliance do not exist.

Pipeline transporting water and sewer: The transportation lines between Tribal property and Sunrise property will be an international line. Once the lines reaches State land Federal laws and their require specification to construct will apply.

Storm water runoff: The 86 acres will be made into 81 acres of non-pervious /non-permeable surface (cement/houses/tiny homes). Nowhere for water to go. Example, in our small 20 acre subdivision with 8 houses total, Gosling Czubak required the developer to have three retention ponds capable of holding 168,000 gallons. In 12 years there has never been water in them. Gosling answer to storm water runoff is address by running all the water to all the surrounding neighbors and down onto M72, there're no retention ponds (anywhere?).

Fire and Safety: Currently the Tribe is responsible for 50% of all Whitewater EMS services, once these are built a EMS unit may need to be parked and staffed onsite or damm close. I hope Sunrise

Development's management has considered that with 1344 people sleeping upstairs in side by side housing units it appears to be a fire trap? Don't know if sprinkler system is in the plan but, if a fire breaks out on the lower floors it's a receipt for disaster because everyone is upstairs sleeping.

Thank you and see you Friday.

Al _

Dear Township Planning Commission Members,

My name is Lisa Bowerman, 8306 Crisp Rd. I have lived on Crisp Rd. for 35 years. I have driven a vehicle, walked, walked with strollers, walked with children, ridden bikes and ran on this road and Moore Rd. and Arnold Rd. , for those 35 years, and continue to do so . Many changes over the years . I have to say that the increased traffic the past 5 years has been significant . With many residents renting their homes to the Horse Show By The Bay, and the addition of the traffic light on M-72 and Williamsburg/Elk Lake Rd. Crisp Rd. is used as a road to avoid the long traffic light back-ups on M-72, (heavy summer traffic) Speeding and trash have also significantly increased.

I am opposed to the proposed plan for the townhouses and campground. 326 Multi-Family and 306 RV-sites. That is an exploitation of the beautiful land and surroundings. There is no way that development would not impact Crisp Road , Moore Road, M-72 and the entire surrounding area.

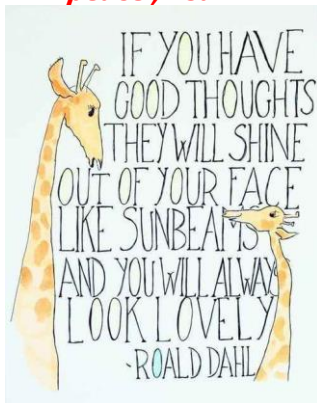
Crisp Road... a road that you can not pave, without great improvements, moving the road more to the North cutting down hills and trees.

A road that the Elk Rapids School busses would not go down when my children were attending. Crisp Road has had no improvements in all the years I have lived here. Crisp Road gets graded and treated for dust control. This year dust control was 2 months late and only done once.

I am not opposed to the land being developed . I am concerned about noise and pollution, and speed on the roads. The proposed development would negatively impact the land and surrounding area.

Thank you for your time in reading this.
Lisa Bowerman

~peace, lisa~



Sample Zoning Map Rules of Interpretation

Acme Township Zoning Ordinance, Article 2.3 on Pg. 7

2.3 ZONING MAP

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

- A. Location: The Official Zoning Map is filed in the office of the Acme Township Clerk
- B. Updates: The Acme Township Planning Commission is responsible for updating the Official Zoning Map to reflect amendments adopted by Township Board.
- C. Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of the various districts, the following rules shall apply:
 1. The district boundaries are public rights-of-way including either streets, places or alleys unless otherwise shown; where the districts designated on the Official Zoning Map are approximately bounded by street, road, place or alley lines, the same shall be construed to be the boundary of the district.
 2. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines; where districts designated on the Official Zoning Map are approximately bounded by lot lines, the same shall be construed to be the boundary of the districts, unless otherwise indicated on the Official Zoning Map
 3. Whenever any street, road, alley, place or other public way is officially vacated by the Township or Grand Traverse County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.
 4. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by rules "1" through "3" above, the Zoning Administrator shall provide an opinion of the boundaries.
 5. Any dispute in the opinion of the zoning district boundaries from the Zoning Administrator shall be heard by the Zoning Board of Appeals for a final determination.

2.3.1 Official Zoning Map

MAP

Kalkaska Zoning Ordinance, Article 2.3, Pg. 7-9

2.3 ZONING MAP

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

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

2.3.1 Official Zoning Map

MAP

2.3.2 Zoning District Boundaries

A. The boundaries of the zoning districts are hereby established as on the zoning map in the appendix. The map, with all notations, references, and other information shown thereon, shall be as much a part of this chapter as if fully described herein.

B. Except where reference on the map is to a street or other designated line by the dimensions shown on the map, the district boundary lines shall follow lot lines or the centerlines of the streets or alleys, and as required, extended to the corporate limits of the village, as they existed at the time of the adoption of this chapter.

C. Where a district boundary line, as established in this section or as shown on the zoning map, divides a lot that was in a single ownership and of record at the time of enactment of this chapter, the use authorized thereon and the other district requirements applying to the least restricted portion of the lot under this chapter shall be considered as extending to the entire lot, provided that the more restricted portion of the lot is entirely within 25 feet of the divided district boundary lines. The use so extended shall be deemed to be conforming.

D. Any dispute in the determination of the zoning district boundaries shall be heard by the Zoning Board of Appeals who shall make a determination on the zoning designation.

2.3.3 Properties With Multiple Zoning Designations

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

Proposed Zoning Ordinance Amendment No. 79

Color Code: Black: existing

Red: new, notes, or needs review

Grey: removed

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
MARIHUANA BUSINESS ZONING ORDINANCE AMENDMENT**

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Medical Marihuana Facilities, and Primary Caregiver operations; and designate such Facilities, Establishments, and Operations as permitted or special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

(Adapted for and added to 25.22E)

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article III, Definitions: The Whitewater Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

RESIDENTIAL DEVELOPMENTS shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use. (Need to address apartments or other residential areas)

MARIHUANA RELATED DEFINITIONS:

MMFLA: Medical Marihuana Facilities Licensing Act

MRTMA: Michigan Regulation and Taxation of Marihuana Act

MARIHUANA CAREGIVER OPERATION: is the cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 ("MMMA"), See Article 37.60."

Marihuana - CONSUMPTION ESTABLISHMENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a commercial space that is licensed by LARA or the MRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA.

EXCESS MARIHUANA GROWER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of 2,000 or as may be defined in the MRTMA.

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

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

Proposed Zoning Ordinance Amendment No. 79

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

MARIHUANA MICROBUSINESS: as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana - PRIMARY CAREGIVER means a person who has agreed to assist a patient with the medical use of marihuana and has a valid state license to do so. See Article 37.60.

MARIHUANA PROCESSER is a commercial entity licensed to purchase marihuana from a grower and extract resin, package, create marijuana-infused products, or similarly prepare marihuana substances for sale.

MARIHUANA RETAILER: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY: as that term is defined in the MRTMA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.

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

TEMPORARY MARIHUANA EVENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license or as may be defined in the MRTMA.

Marihuana - QUALIFYING PATIENT is a person who had been diagnosed by a physician as having a debilitating medical condition being treated by marihuana. See Article 37.60

OTHER MARIHUANA RELATED DEFINITIONS: other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Whitewater Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Whitewater Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities. Any other marihuana related terms undefined by other Whitewater Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Marijuana Regulatory Agency (MRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

Section 2. Amendment of Article 6, Section 6.10, Permitted Uses: The Whitewater Township Zoning Ordinance, Article 6 Residential R-1, Section 6.10, Permitted Uses, shall be amended to include the following:

I. Caregiver Operations **subject to the standards in Article 37.60.**

Proposed Zoning Ordinance Amendment No. 79

~~**Section 3. Amendment of Article 8, Section 8.11, Uses Permitted by Special Use Permit:** The Whitewater Township Zoning Ordinance, Article 8 Commercial District C Section 8.11, Uses Permitted by Special Use Permit in the Commercial District, shall be amended to include the following:~~

~~R. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.~~

~~S. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.~~

~~Renumber balance of section, 8.11, without change to text.~~

Section 4. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

E. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.

F. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.

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

Section 5. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

C. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.

D. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.

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

Section 6. Amendment of Article 25, Section 25.22, Additional Conditions of Special Uses: The Whitewater Township Zoning Ordinance, Article 25 Site Plan Review and Special Land Uses, Section 25.22, Additional Conditions of Special Uses, shall be amended to include the following:

E. S.U.P. STANDARDS GOVERNING LOCATION AND OPERATION.

Statement of Intent: It is the intent of this section to provide for the regulation of Commercial Medical and Adult-use Marihuana Facilities and designate such Facilities, Establishments, and Operations requiring a special use permit; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

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

A. SUP applicants shall provide the following:

1. Whether the Marihuana Business will be a principle or accessory use on the property:

a. An SUP for a Marihuana Business may be granted as a principal or accessory use in the Agricultural District (Ag).

Proposed Zoning Ordinance Amendment No. 79

- b. An SUP for a Marihuana Business may be granted as a principal use in the Commercial (C-1) or Industrial (N) districts.
2. A waste disposal plan shall be included with all applications detailing plans for solid, liquid, chemical, plant, and byproduct disposal or processing which does not include on site incineration.
 3. A security plan that details compliance with the following requirements:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store cash or product as required by Michigan State law.
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement agency upon request for inspection.
 4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:
 - a. A Security Lighting Plan which takes into consideration neighboring properties.
 - b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other equipment used on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission. Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
 5. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.
- B. SUP permit holders for Marihuana Businesses are subject to the following conditions:
1. No Marihuana Business shall be located within one thousand (1000) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Marihuana Business is issued an

Proposed Zoning Ordinance Amendment No. 79

initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property.

2. Any structure housing a Marihuana Businesses in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the property.
3. Signage shall not indicate the nature of the location as a Marihuana Business. A Marihuana Business can only have a sign if approved by the Township Planning Commission by SUP or under the Additional Signage by Special Use process defined in Article 30.
4. A Marihuana Business's operations shall create no disturbance detectable to the normal senses at or beyond its property line, including but not limited to processes that create noise, dust, vibration, glare, fumes, odor or electrical interference.
5. Incineration shall not be permitted at any marihuana business location.
6. Marihuana Businesses located in the Agricultural District shall subject to the following additional standards:
 - a. Any Marihuana Business shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.
 - b. Any Marihuana Business may be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
 - c. Any Marihuana Business shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
 - d. All Marihuana Business structures and operations shall maintain a two hundred (200) foot setback measured horizontally between the closest edge of any building or operation and the property line of any existing residential development, residential zoning district, or a district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted.
 - e. All Marihuana Business structures and operations shall maintain a three hundred (300) foot setback measured horizontally between the closest edge of any building or operation and any existing residential dwelling not held in like ownership.
 - f. A variance may be sought as provided for in the zoning ordinance and where the Marihuana Business would operate from a structure previously used for commercial purposes.
7. In additions to these requirements a Marihuana Business shall comply with all state and local laws, regulations, and Ordinances, including without limitation other sections of the Township Zoning Ordinance, the MMFLA and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.
8. Any Marihuana Establishments shall comply with the underlying zoning in that district.

Section 7. Amendment of Article 37, Supplementary Provisions: The Whitewater Township Zoning Ordinance, Article 37 Temporary Buildings and Uses, shall be amended to include the following:

37.60 Marihuana Caregiver Operations

Proposed Zoning Ordinance Amendment No. 79

A. Caregiver Operations by a Primary Caregiver shall be governed by the following standards:

1. 1. A Caregiver Operation shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMMA").
 2. 2. A Caregiver Operations shall be an Accessory Use of the premises.
 3. There shall be no more than one Primary Caregiver Operation per premises.
 4. All medical marihuana must be contained within a separate enclosed, locked facility for medical marihuana patients for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The enclosed, locked facility shall have secure windows and doors where applicable and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.
 5. Distribution, growth or cultivation of medical marihuana, and all other related activity, must occur indoors.
 6. The Qualifying Patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.
 7. Caregiver Operations shall obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana occurs.
 8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC") Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
 9. Caregiver Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system or other reasonably available odor control technology so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of the parcel.
 10. A Caregiver Operation shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectable to a reasonable person of normal sensitivities beyond the parcel on which the use occurs. There shall be no external evidence, signage, or lighting related to the Caregiver Cultivation Operation detectable from the exterior of the property.
 11. There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.
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Proposed Zoning Ordinance Amendment No. 79

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

ORDINANCE NO. _____

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Adult-Use Marihuana Facilities, and designate such Facilities, Establishments, and Operations as permitted or special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 **Industrial District N**, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

- G. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.
 - H. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E.
- Renumber balance of section, 9.11, without change to text.

Section 2. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 10 **Agricultural A-1**, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

- E. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.
 - F. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E.
- Renumber balance of section, 10.11, without change to text.

Draft Zoning Ordinance Amendment 12-3-21

Color Code: **Black** = original **Red** = Needs review or evaluation **Blue** = Suggested New or Notes

ARTICLE XII

BUILDING SIZES AND YARD REQUIREMENTS

12.00

12.10 BUILDING SIZES

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

~~Section 12.11 Schedule of Regulations~~
(see next page for table)

12.11 Residential Districts

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

12.12 Agricultural and Recreation

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District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Ag	General	200'	40,000	30'	15'	30'	
	Commercial Campground	300'	? campsites per acre. 2 cabins per acre.	100'	100'	100'	
RC	General	100'	5 acres	30'	15'	30'	
	Commercial Campground		? campsites per acre. 2 cabins per acre.	100'	100'	100'	

12.13 Commercial Districts

Commercial - C	General	100'	-	50'	*	30'	40% Max. lot coverage
	Multi-family Housing		11,000 Per Dwelling				
	Commercial Campground	300'	? campsites per acre. 2 cabins per acre.	100'	100'	100'	
*Combination shall total 30% of width but not less than 10' per side.							
Village -V	General	*	*	*	10'	15'	
	Multi-family Housing	*	11,000 Per Dwelling	*	*	*	
	Commercial Campground	300'	7,500 per unit.	100'	100'	100'	
*Refer to conditional standards in Article 8.6.							
Industrial - N	General	100'		50'	*	30''	40% Max. lot coverage
	Multi-family Housing		11,000 Per Dwelling	50'	50'	50'	
	Commercial Campground	300'	? campsites per acre. 2 cabins per acre.	100'	100'	100'	
*Combination shall total 30% of width but not less than 15' per side.							

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12.14 Additional Setback Restrictions for Marihuana Related Establishments

District	Use	Setback from Existing Residential Parcel	Setback from Adjacent Property line	Setback from School, Park, church, or Recreational Trail.
Agriculture	Medical Grow and Processing, Recreational Grow and Processing	300' Structure to lot line.	200' structure to lot line.	1000' Structure to lot line.
Industrial	Medical Grow and Processing, Recreational Grow and Processing	300' Structure to lot line.	Existing Setbacks	1000' Structure to lot line.

12.15 Special Situations: Except for the specific requirements stated the regulation for the underlying zone shall remain unchanged.

Situation /Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Frontage on Boardman River and tributaries	200'		100' from water's edge Ordinary High Water Mark			
Frontage on all other Lakes and Streams			50" from the water's edge Ordinary High Water Mark			
M72 in the Ag District			100'			
Supply Rd.			100'			
Old M72 in the C District			30'	0		

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Enclosures/structures for livestock, domestic animals (except house pets)		2 ½ acres	100	100	100	
Horses/livestock						
Chickens/rabbits						
Hunting or sled dog kennels						

NOTES: To Section 12.11

1 and 5 moved to 12.16

Move 2 and 4 to Article 14, Waterfront

2. In no case shall a lot or parcel having frontage on the Boardman River or its tributaries be less than two hundred (200) feet wide at the water's edge or the building setback line, or be less than two hundred (200) feet deep. [Move to Article 14, Waterfront – Also appears in “Special Situations”](#)

4. A dock may be constructed parallel to the bank, not exceeding ten (10) feet in length and not protruding in the stream, and when constructed of natural materials such as rocks or logs. [Move to Article 14, Waterfront](#)

3. Remove – old term no longer used ~~3. The water's edge shall be considered to be the ordinary high water mark.~~

12.16 Additional conditions:

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

~~Section 12.12~~ [12.20](#) Hardship

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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.** Evaluate – PC or ZBA