

WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING  
July 11, 2018

Call to Order at 7:02 p.m.

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

Absent: Render

Also in attendance: Recording Secretary MacLean and Zoning Administrator Habedank + 3

Set / Adjust Agenda: Set.

Declaration of Conflict of Interest: None

Public Comment: None.

Approval of Minutes:

Motion to approve the June 8, 2018, minutes by Hooper, second by Lawson as adjusted. All in favor. Motion carried.

Correspondence: .

Reports:

*Zoning Administrator Report, Habedank*: Have spent a lot of time dealing with the site condominium portion of the ordinance. Have had multiple conversations with the township attorney. Attorney recommendation is to do a complete rewrite of the ordinance. The attorney notes that over the years things have been added and subtracted.

Discussion:

- Is there a “one size fits all” type ordinance that we could take a look at? Habedank: The attorney likely has something that could be put together rather quickly. Possibly have the attorney fix what we have.
- We need to have direction from the entire Board.
- We know there are multiple ordinances that are illegal.
- We have been trying to do a cleanup of conflicts.
- Concern about going out for a complete ordinance because the township had done that previously and it was rejected by the public.
- Possibly get a complete ordinance out there that we can tweak for our own use.
- Article by article is easier for the public to handle. The ordinance as a whole can be a problem with the public.

Habedank: If there is confusion with enforcement it makes it very difficult.

Mangus: The direction we were given and our plan is to clean up the ordinance, send for recodification then have the attorney go through. Would be a good idea to have the attorney cross reference and go through the RC five acre issue and do a sign ordinance – these are two large issues that we know need to be addressed.

It appears there are items in the clerk’s copy of the zoning ordinance that are not in the ZA’s copy or in the copy the PC has been using.

Habedank: Someone needs to look at it from a legal stand point. We may be dealing with an ordinance that is illegal. (*Clarification: Immediate PC discussion ensued that the ordinance is not illegal but does have legal issues.*)

Mangus: Every article that we have done over the last two years has been legally adopted.

Dean: We are dealing with a dysfunctional ordinance but calling it illegal, that is a large jump.

Mangus: Would like the attorney to gives us comments vs. a complete rewrite.

Hooper: Need to go out for recodification then we can look at what we’ve got. I think they are the people that will make our job much easier and streamlined. The Board will have more confidence in what we come up with.

Mangus: Article 37 and RC are the two biggies to do before going to recodification.

Dean: We can’t just send it out for recodification because we don’t have a starting point of the ordinance to send for recodification.

Habedank: The site condominium ordinance is in direct conflict with the State law.

Hooper: It is like we are in a cave with no lights.

Dean: We are making it legal by going through the articles and going through the public hearing process so we do have a legal document.

Mangus: I feel it is better to continue to go through as we are and then send it for recodification rather than get a “wholesale” ordinance from the attorney. Would like to get input from the attorney.

Habedank: Red-line work from the attorney is what we will get back. It must be written in legal language.

Mangus: The board has not discussed getting a complete ordinance from the attorney. The board has decided to have the

attorney review each of the amendments that we send to them. Let's see how we go through the process in the direction that the board wants to go.

Hooper: The township board needs to hear all of this. The board does not trust what we are doing.

Dean: There are two approaches, original plus amendments or toss it and buy a new one. Buying a new one would be ugly and I wouldn't want to be a part of that.

Hooper: We all want our ZA to have an ordinance he can use and defend. We have a board that does not seem to understand what we are doing.

Jacobson: Emotions on the board fly high pretty quickly.

Mangus: We have a few key points. They will go to the attorney and we will have them next month so we can see what they come up with. Let's see how the process is going to work with the attorney. Absolutely, our ordinance is in better shape than it was two years ago.

Dean: Should we try to do a joint meeting again for a face-to-face to discuss issues and direction? Not at this time.

Hooper: They are not seeing the history of what we go through. The board needs to realize that we, the PC, are doing our due diligence.

Savage: The board does not want us making changes to the ordinance.

*Chair's Report, Mangus:* The board said we are not doing ADUs, it is not popular. We may or may not get back to it. Event barns has gone to the attorney. When it came out at the board meeting that we were missing pieces of the ordinance we found that the missing pieces had not been removed by us or changed but hadn't shown up in our version of the ordinance even though it / they were in the clerk's version of the ordinance.

The steps will be: We will do a section, it goes to the board, they send it to the attorney then it comes back to the PC, we make adjustments and do a public hearing then send it back to the board for final approval. We will see if this process will help it move faster or if it will cause a grid-lock.

*Township Board Rep., Lawson:* Board is looking into the FEMA flood maps. FEMA is looking to stop providing insurance. We have six people in our township that has FEMA insurance. If FEMA does away with it how does that affect the township? The question has been sent to the attorney. We have to accept or refuse by the end of August.

*ZBA Representative, Hooper:* No meetings.

*Committee Reports:* None.

*Additional Items:* None.

#### Old Business:

1. Status of Amendments 73-76. Completed during the ZA report
2. Amendments 73 & 74 Review and reapprove as appropriate.  
Article 6.10 uses / permitted uses wording – let the attorney review. Consensus to let the attorney address.  
Article 6.10 K – the township board rejected and it will be removed. Consensus.  
Article 6.11 G use the 7.12G wording. Consensus.  
Article 6.13 B – rejected by the board and will be removed. Consensus.  
Amendment 53 wording was in the clerk's version, go with that and take out what we had attempted to add.  
Article 7.13 special use permits only showed up in the clerk's version so we don't need to specify it again.  
Eliminate PUD and use the more specific wording.  
Fence standards, try to fix them again or don't touch it just move them. Consensus to just move them. (37.13)  
Public hearing for August.
3. Article 17 – land use permits - approve /alter draft for lawyer review. Requirement of a land use permit was not in there. It must be added. This can go to the attorney right now. Move to public hearing for August.
4. Article 37, balance of text – 2<sup>nd</sup> review. 37.10 C Remove the Performance Guarantee. To public hearing for August with these minor adjustments.
5. **Motion** to take Article 17.14 to public hearing at the regular meeting in August by Jacobson, second by Dean. All in favor. Motion carried.

**Motion** to send article 37.10 as amended and move fences to the board for preliminary review by Jacobson, second by Lawson. All in favor. Motion carried.

#### New Business:

1. Article 37, Animals – 1<sup>st</sup> review-time permitting postponed

Next Regular Meeting August 1, 2018.

Agenda: Public hearing for 17.14

Public Comment: None.

Commission Discussion/Comments: None

Continuing Education: None.

Adjournment: 9:31 p.m.

Respectfully Submitted  
Lois MacLean,  
Recording Secretary