

# WHITE LAKE TOWNSHIP

## *COMMUNITY DEVELOPMENT DEPARTMENT*

**DATE:** May 10, 2024

**TO:** Rik Kowall, Supervisor  
Board of Trustees

**FROM:** Sean O'Neil, Community Development Director

**SUBJECT:** Zoning Ordinance Amendments

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At the April Board meeting, much discussion was had regarding the proposed Zoning Ordinance amendments, and it was decided that the staff would take all the Board comments and incorporate them into a revised draft for consideration. Additionally, staff met with Trustee Powell to better understand his suggested changes. Please find attached all the aforementioned revisions to the proposed amendments to the Zoning Ordinance. For the purpose of organization, each proposed amendment is listed out in numbered "Parts" as you move through the document. As was mentioned last month, the Planning Commission held a public hearing, prior to considering these amendments, on April 4<sup>th</sup>.

I have included a version of the proposed amendments that has "red lined" text (which were the original changes), and "blue lined" text (that represents changes made since the April meeting) for your review and consideration. The minutes from the April 4<sup>th</sup> Planning Commission meeting are also attached for your reference. I look forward to discussing these amendments with you at your May 21<sup>st</sup> meeting. If you have any questions, or require additional information, please do not hesitate to contact the office.

Thank you.

**CHARTER TOWNSHIP OF WHITE LAKE  
COUNTY OF OAKLAND  
AMENDMENT \_\_\_\_\_ TO ZONING ORDINANCE**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE  
CHARTER TOWNSHIP OF WHITE LAKE BY AMENDING ARTICLE  
2.0 DEFINITIONS, ARTICLE 3.0 ZONING DISTRICTS, ARTICLE 4.0  
USE STANDARDS, ARTICLE 5.0 SITE STANDARDS, ARTICLE 6.0  
DEVELOPMENT PROCEDURES, AND ARTICLE 7 ADMINISTRATION,  
APPEALS, AND ENFORCEMENT, ONLY AS PROVIDED FOR HEREIN.**

**NOW HEREBY** the Charter Township of White Lake ordains the following amendments to the White Lake Charter Township Zoning Ordinance:

**PART 1: Amend Article 2.0, Definitions, Section 2.2, Definitions by modifying the following definition as shown below:**

ACREAGE PARCEL. Any **single-family residential** parcel of land in White Lake Township which ~~parcel~~ is not located in or part of a recorded plat: **or condominium subdivision.**

**PART 2: Amend Article 2.0, Definitions, Section 2.2, Definitions by adding the following definition as shown below:**

**ALLEY.** A public or private way which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**PART 3: Amend Article 2.0, Definitions, Section 2.2, Definitions by adding the following definition as shown below:**

**CEILING.** The surface suspended from or attached to the underside of floors or roofs which does not form a structural part of a floor or roof or shall mean the underside of exposed floor or roof construction.

**PART 4: Amend Article 2.0, Definitions, Section 2.2, Definitions by adding the following definition as shown below:**

**CEILING HEIGHT.** The clear distance between the floor and ceiling directly above.

**PART 5: Amend Article 2.0, Definitions, Section 2.2, Definitions by modifying the following definition as shown below:**

LOT AREA. The total horizontal area within the lot lines, as defined, of a lot. **With the exception of lots zoned AG (Agricultural), SF (Suburban Farms), and R1-A (Single-Family Residential),** the lot area of any lot, zoning lot or parcel of land shall also be interpreted to be exclusive of any land in a public or private road right-of-way or easement.

**PART 6: Amend Article 2.0, Definitions, Section 2.2, Definitions by adding the following definition as shown below:**

**ORDINARY HIGH-WATER MARK.** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. ~~Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.~~

**PART 7: Amend Article 2.0, Definitions, Section 2.2, Definitions by modifying the following definition as shown below:**

**PARKING SPACE.** An area ~~ten feet by twenty feet (9' x 18')~~ for parking of each automobile or motor vehicle, being exclusive of necessary drives, aisles, entrances or exits, and being fully accessible for the storage or parking of permitted vehicles.

**PART 8: Amend Article 2.0, Definitions, Section 2.2, Definitions by adding the following definition as shown below:**

**RIGHT-OF-WAY.** A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, pathway/sidewalk/trail, water line, sanitary sewer, and/or other public utilities or facilities.

**PART 9: Amend Article 2.0, Definitions, Section 2.2, Definitions by modifying the following definition as shown below:**

**SETBACK.** ~~The minimum horizontal distance between the front of the building, excluding steps and unenclosed porches, and the front street or right-of-way line.~~ **The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.**

**PART 10: Amend Article 2.0, Definitions, Section 2.2, Definitions by modifying the following definition as shown below:**

1. **Above-the-Roof Sign.** A sign ~~projecting beyond or above the roof or parapet or that is erected, constructed or maintained upon the roof or parapet of a building~~ **that is mounted on, applied to, or otherwise structurally supported by the roof of a building (other than the fascia portion of a mansard roof).**

**PART 11: Amend Article 2.0, Definitions, Section 2.2, Definitions by modifying the following definition as shown below:**

23. **Wall Sign.** A sign attached to, or placed flat against, the exterior wall or surface of any building, no portion of which projects more than twelve (12) inches from the wall.  
~~No wall sign shall be erected to extend above the top of the wall to which it is attached.~~

**PART 12: Amend Article 2.0, Definitions, Section 2.2, Definitions by adding the following definition to “SIGN” as shown below:**

25. **Parapet Sign.** A sign attached to that portion of a building’s exterior wall that projects above the roofline of a building.

**PART 13: Amend Article 3.0, Zoning Districts, Section 3.1.1, Agricultural District, Subsection 3.1.1.C.iv to read as follows:**

- iv. Temporary uses within a building §7.20

**PART 14: Amend Article 3.0, Zoning Districts, Section 3.1.2, Suburban Farms, Subsection 3.1.2.F, Development Standards, by modifying the maximum lot coverage as shown below:**

~~20%.~~ 30%.

**PART 15: Amend Article 3.0, Zoning Districts, Section 3.1.3, R1-A Single Family Residential, Subsection 3.1.3.E, Development Standards, by modifying the maximum lot coverage as shown below:**

~~20%.~~ 30%.

**PART 16: Amend Article 3.0, Zoning Districts, Section 3.1.4, R1-B Single Family Residential, Subsection 3.1.4.E, Development Standards, by modifying the maximum lot coverage as shown below:**

~~20%.~~ 25% for lots served by a private septic system.  
30% for lots served by public sanitary sewer.

**PART 17: Amend Article 3.0, Zoning Districts, Section 3.1.5, R1-C Single Family Residential, Subsection 3.1.5.E, Development Standards by modifying the maximum lot coverage as shown below:**

~~20%.~~ 25% for lots served by a private septic system.  
30% for lots served by public sanitary sewer.

**PART 18:** Amend Article 3.0, Zoning Districts, Section 3.1.6, R1-D Single Family Residential, Subsection 3.1.6.E by modifying the maximum lot coverage as shown below:

- ~~20%.~~ 25% for lots served by a private septic system.
- 30% for lots served by public sanitary sewer.

**PART 19:** Amend Article 3.0, Zoning Districts, Section 3.1.12, Local Business District, Subsection 3.1.12.C, Special Land Uses, to add the following section as Paragraph 3.1.12.C.vii:

- vii. Entertainment and/or outdoor dining associated with a restaurant §4.18

**PART 20:** Amend Article 3.0, Zoning Districts, Section 3.1.14, Restricted Business District, Subsection 3.1.14.C, Special Land Uses, to add the following section as Paragraph 3.1.14.C.xviii:

- xviii. Entertainment and/or outdoor dining associated with a restaurant §4.18

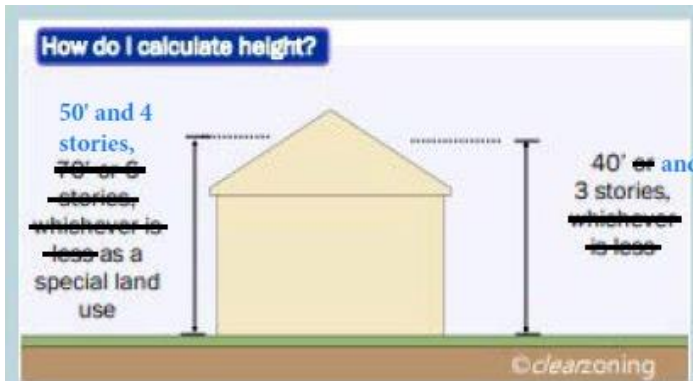
**PART 21:** Amend Article 3.0, Zoning Districts, Section 3.1.18, Pontiac Lake Gateway District, Subsection 3.1.18.C.v, Special Land Uses, to read as follows:

- v. ~~Hotels over three stories §4.33~~

**PART 22:** Amend Article 3.0, Zoning Districts, Section 3.1.18, Pontiac Lake Gateway District, Subsection 3.1.18.D, Development Standards, by modifying the maximum building height as shown below:

- ~~70 feet or 6 stories~~ 50 feet and 4 stories, ~~whichever is less~~ as a special land use
- 40 feet ~~or~~ and 3 stories, ~~whichever is less~~

**PART 23:** Amend Article 3.0, Zoning Districts, Section 3.1.18, Pontiac Lake Gateway District, Subsection 3.1.18.D, Development Standards, by modifying the maximum building height illustration as shown below:



**PART 24: Amend Article 3.0, Zoning Districts, Section 3.1.18, Pontiac Lake Gateway District, Subsection 3.1.18.D, Development Standards, by modifying the minimum floor height as shown below:**

First/ground floor:~~14~~ 10 feet

Upper floors:~~10~~ 9 feet

**PART 25: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.A to read as follows:**

- A. Minimum lot area, with the exception of lots zoned AG (Agricultural), SF (Suburban Farms), and R1-A (Single-Family Residential), shall not include any right of way or easement for a public road, private road, or access easement. Calculations for determining maximum density and the number of lots permitted shall be based upon net buildable land area (areas such as regulated wetlands, flood plains and open water bodies, areas devoted to storm water retention/ detention, or other, similar areas of the site that are not available for the use and enjoyment of the residents of a site, shall not be included in calculations for determining maximum density and number of lots permitted).

**PART 26: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.F to strike and replace the regulation as shown below:**

~~If at least 60% of the dwelling units on one side of a block have a narrower front setback than the ordinance standard, the minimum front yard setback for new dwelling units shall be the average front yard setback of the existing dwellings on the same side of the block.~~  
Garage sales, rummage sales, yard sales, estate sales, and similar activities may be conducted for no longer than three days and no more than twice per calendar year on the same property.

**PART 27: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, Subsection 3.11.W to strike and replace the regulation as shown below:**

~~A maximum 30% lot coverage may be approved administratively by the Director of the Community Development Department or his/ her designee on existing lots of record where all of the following criteria are present:~~

- ~~i. The lot has sanitary sewer service, and~~
- ~~ii. Storm water collected from the roof of the home and garage is directed to a storm drain, retention or detention basin, lake or other body of water, and~~

~~iii. The proposed building development complies with all setback requirements of the appropriate zoning district, unless a variance has been approved by the Zoning Board of Appeals.~~

A modular home may be approved if all of the following criteria are present:

- A. The dwelling shall be attached to a permanent foundation. The foundation shall be constructed in accordance with the state construction code, and attachment of the dwelling to the foundation shall meet all applicable building codes and other state and federal regulations.
- B. The dwelling shall not have exposed wheels, towing mechanism, undercarriage, or chassis.
- C. The dwelling shall be certified by the manufacturer or builder to be:
  - a. Designed only for erection or installation on a site-built permanent foundation;
  - b. Not designed to be moved once erected or installed;
  - c. Designed and manufactured to comply with the state construction code, as adopted by the Township;
  - d. Not intended to be used other than on a site-built permanent foundation.

**PART 28: Amend Article 3.0, Zoning Districts, Section 3.11, Notes to District Standards, to add the following as Subsection 3.11.Y:**

No mechanical units, including heating, ventilation, and air conditioning (HVAC) systems and generators, shall be placed in the front yard or closer than five (5) feet to any side yard lot line or rear yard lot line.

**PART 29: Amend Article 4.0, Use Standards, Section 4.18, Eating Establishments with Entertainment and/or Outdoor Dining, to amend the first paragraph to read as follows:**

Eating establishments with entertainment and/ or outdoor dining may be permitted in the LB (Local Business) district, RB (Restricted Business) district, GB (General Business) district, and PB (Planned Business) district, subject to the following:

**PART 30: Amend Article 4.0, Use Standards, Section 4.21, Government Offices and Township Buildings and Uses Without Service or Storage Yards, to add the following section as 4.21.D:**

D. Governmental drive-thrus shall be allowed as an accessory use under this section.

**PART 31: Amend Article 4.0, Use Standards, Section 4.33, Motels and Hotels, to amend the first paragraph to read as follows:**

Motels and hotels may be permitted in the RB (Restricted Business) district subject to the following conditions:

**PART 32: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsection 5.11.M by modifying the table of the amount of required off-street parking as follows:**

5.11.M ~~Minimum~~ **Maximum** ~~Requirements for Allowable~~ Off-Street Parking  
(note to Planning Commission only, not ordinance text: this is the table title)

~~Minimum~~ **Maximum** ~~Required~~ **Allowable** Number of Parking Spaces  
(note to Planning Commission only, not ordinance text: this is the second column title)

**PART 33: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsection 5.11.M by adding a footnote to the table of the amount of required off-street parking as follows:**

<sup>1</sup>Unless otherwise specified in this Ordinance, at least 75% of the maximum ~~required~~ allowable number of parking spaces shall be provided.

<sup>2</sup>Upon a finding made by the Planning Commission, parking may be provided in an amount not to exceed 125% of the maximum allowable parking.

**PART 34: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsection 5.11.M.i.e to read as follows:**

Each stacking space in the drive-through lane shall be nine (9) feet wide by ~~twenty-eight~~ **nineteen** (20**19**) feet long.

**PART 35: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsection 5.11.Q.xvii to revise the table as follows:**

~~Parking space length may be reduced by two one (21) feet where the space abuts a raised sidewalk.~~

5.11.Q Minimum Requirements for Off-Street Parking Layout			
Parking Pattern	Maneuvering Lane Width (Feet)	Parking Space Width (Feet)	Parking Space Length (Feet)
0 degrees (parallel parking)	12	8	20 (plus maneuvering)
45 degrees	15	9	189 (short side) <sup>1</sup>
60 degrees	18	9	189 (short side) <sup>1</sup>
90 degrees	24	9	189 <sup>1</sup>

<sup>1</sup>Parking space length may be reduced to 17' where a vehicle will overhang a sidewalk or landscaped area. Sidewalk must be at least 7'-wide where there is an overhang.



**PART 36: Amend Article 5.0, Site Standards, Section 5.11, Off-Street Parking, Subsection 5.11.Q.xviii to read as follows:**

Concrete curbing ~~and gutter~~ shall be provided ~~at the end~~ around the perimeter of all parking areas. ~~and stalls. Curb and gutter shall not be counted towards required drive aisle width and parking stall length and width.~~ Parking space length shall be measured to the face of curb.

**PART 37: Amend Article 6.0, Development Procedures, Section 6.8, Site Plan Review and Approval, Subsection 6.8.I to read as follows:**

I. Approval Valid for ~~One (1)~~ **Two (2)** Years

Upon approval of a final site plan by the Planning Commission ~~and approval of a final engineering plan~~, a building permit shall be requested by the applicant within ~~twelve (12)~~ **twenty-four (24)** months or the site plan shall be declared invalid. The Planning Commission may grant a twelve (12) month extension based upon confirmation by the Director of the Community Development Department or his/her designee that there have been no Ordinance changes affecting the site plan since the time of original approval. Upon receipt of a building permit, reasonable construction shall be commenced within six (6) months, and shall be completed within twenty-four (24) months, or the site plan and building permit shall be declared to be invalid, unless the applicant requests an extension.

**PART 38: Amend Article 6.0, Development Procedures, Section 6.11, Procedures for Review and Approval of All Special Land Uses, Subsection 6.11.A to read as follows:**

A. Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in a special land use permit the particular use(s) which have been allowed and applicable conditions. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than ~~one (1)~~ **two (2)** years thereafter, or such approval shall automatically be revoked, provided, however, the Planning Commission or Township Board may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding one (1) year as it shall determine to be necessary and appropriate. If granted concurrently, the duration of final site plan approval and special land use approval shall be the same.

