



# VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 - FAX (231) 869-5120  
[www.PentwaterVillage.org](http://www.PentwaterVillage.org)

## **Planning Commission Meeting Agenda Tuesday, December 20, 2017 7:00 P.M.**

### **I. Opening**

A. Call to Order and Pledge of Allegiance and Roll Call.

### **II. Approval of Agenda and Minutes**

A. Approval of Agenda.

B. Approval of Minutes of the Meeting held November 15, 2017.

### **III. Public Comments**

**IV. Public Hearing - Public Hearing on a Zoning Ordinance Amendment to reduce the number of ZBA regular members from 7 to 5.**

### **V. Old Business**

A. Discussion on a Zoning Ordinance Amendment to reduce the number of ZBA regular members from 7 to 5.

B. Master Plan Amendment – Downtown Plan:

1. Review of Chapter 3 of the 2015 Master Plan Update.
2. Review of Chapter 4 of the 2015 Master Plan Update.
3. Discussion and Confirmation of Planning Commissioner assignments for the Downtown Penwater Plan.

### **VI. New Business**

A. Introduction of a Zoning Ordinance Amendment to separate the Village of Pentwater Zoning Ordinance from the Pentwater Community Zoning Ordinance.

B. Introduction of a proposed Zoning Ordinance Amendment prohibiting Medical Marijuana Facilities within the Village of Pentwater.

C. A Resolution for consideration of the 2018 Planning Commission Meeting Schedule.

**VII. Department/Committee Reports**

A. Zoning Administrator – See attached report.

B. Zoning Board of Appeals – No meeting, no report.

**VII. Communications from Planning Commission Members**

**VIII. Public Comments**

**IX. Adjournment**

**Next Scheduled Planning Commission Meeting – January 17, 2018**



## VILLAGE OF PENTWATER

### Planning Commission

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 – FAX (231) 869-5120

## Regular Meeting Minutes – November 15, 2017

Vice-Chairperson Angell-Powell called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 7:50 pm, with the Pledge of Allegiance.

### ROLL CALL

**Present:** Bruce Koorndyk, Michelle Angell-Powell, Mark Benner, & Paul Anderson (arrived at 7:25 pm)

**Absent:** Ron Christians (excused) and Kirstin McDonough (excused)

**Staff Present:** Keith Edwards, Zoning Administrator; Village Clerk/Treasurer Rande Listerman; and Chris Brown, Village Manager.

Vice-Chairperson recognized and welcomed the new Village Clerk/Treasurer Mrs. Rande Listerman to the staff of the Village of Pentwater.

### APPROVAL OF AGENDA

**Motion** by Benner, second by Anderson to approve the Agenda as presented.

Voice Vote: Aye: 4                  Nay: 0                  Absent: 0                  **Motion carried.**

### APPROVAL OF REGULAR MINUTES

**Motion** by Koorndyk, second by Benner to approve the October 18, 2017 regular meeting minutes as corrected on page 1.

Voice Vote: Aye: 4                  Nay: 0                  Absent: 0                  **Motion carried.**

**PUBLIC COMMENTS** – Present in the audience were Claudia Ressel–Hodan, and Ron Beeber. No comments from the audience were submitted at this time.

### COMMITTEE/DEPARTMENT REPORTS

**A. Zoning Administrator** – Mr. Edwards' written report was received by the Planning Commission.

**B. Zoning Board of Appeals** - No meeting, no report.

### OLD BUSINESS

**A. Master Plan Amendment for Downtown Pentwater.**

1. Determine geographic study area to be included in the Downtown Pentwater Plan.

After discussion about the existing land uses, existing Future Land Use Map in the 2015 Master Plan and the existing Zoning Map,

**Motion** by Koorndyk, second by Benner to designate that the Downtown Pentwater Sub-Area Plan Study Area would include the geographic area bounded by Pentwater Lake, north along Dover Street to Lowell Street, along Lowell Street east to Carroll Street, then south along Carroll to Fourth Street, then east around the existing Wire Plant to Wythe Street, then south to Fifth Street and back to Carroll Street, then south of Fifth Street along the northern property lines of properties fronting Sixth Street eastward to almost Rush Street, then south past Sixth Street to Pentwater Lake along Bean Street.

Voice Vote: Aye: 4            Nay: 0            Absent: 0            **Motion carried.**

2. Review of Chapter 3 of the 2015 Master Plan Update.

Mr. Edwards reviewed his report, commenting primarily on the goals of the 2015 Master Plan Update. Mr. Edwards asked Planning Commissioners to review his report in anticipation of further discussion at the next Planning Commission Meeting.

3. Review of Chapter 4 of the 2015 Master Plan Update.

Mr. Edwards reviewed his report, commenting primarily on the Commercial and Residential Uses of the 2015 Master Plan Update. Mr. Edwards asked Planning Commissioners to review his report in anticipation of further discussion at the next Planning Commission Meeting.

4. Assignment of information gathering tasks to Planning Commissioners.

Mr. Edwards asked the Planning Commissioners my play a lead role in eliciting information and help from the public and other sources to lead a committee focusing on certain topics such as:

- Waterfront Community – Bruce Koorndyk
- Garden Community – Kirstin McDonough and Paul Anderson
- Arts Community – Paul Anderson and Kirstin McDonough
- Historic Heritage – Ron Christians
- Downtown Economy – Mark Benner
- Complete Streets and Infrastructure – Michelle Angell-Powell

These assignments will also be reviewed and discussed at the next Planning Commission meeting.

**NEW BUSINESS – None.**

**PUBLIC COMMENTS –** Mr. Beeber commented that he was pleased by the work that the Planning Commission is beginning on Downtown Pentwater.

**COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS - None**

**ADJOURNMENT**

Meeting adjourned by Vice – Chairperson Michelle Angell-Powell at 8:30 p.m.

Respectfully Submitted,

\_\_\_\_\_  
Keith Edwards  
Zoning Administrator

December 1, 2017  
Date

Approved by the Village of Pentwater Planning Commission on \_\_\_\_\_.

## MEMORANDUM

To: Village of Pentwater Planning Commission

From: Keith Edwards, Zoning Administrator

Date: December 12, 2017

Subject: **Contents of the December 20, 2017 Meeting Packet**

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Planning Commissioners: What follows is a summary of the documents I have included in your packet:

1. Public Hearing and Old Business Item "A" (3 pages) – I enclosed the published public hearing notice from the Oceana Herald Journal and the two page Zoning Ordinance Amendment that would reduce the number of ZBA regular members from 7 to 5 as requested by the ZBA. After receiving public comments during the hearing, Planning Commission should discuss those comments prior to forwarding a recommendation to the Village Council.
2. Old Business Item "B" sub-items 1, 2 and 3 (2 separate memos) – I enclosed the memorandums from the November 15, 2017 meeting again, because we really did not get to discuss them at that meeting where two members were also absent. I think these memos are very important for framing the launch of the Downtown Pentwater Plan – An Amendment to the Master Plan in January of 2018. I would also like to briefly discuss Planning Commissioners roles or assignments for the Downtown Pentwater Plan.
3. New Business Item "A" (8 pages) – I have enclosed a draft Zoning Ordinance Amendment that would separate the Village from the old Zoning Ordinance, the Pentwater Community Zoning Ordinance, just as the Township has done earlier this year. We will have to set a date for a public hearing, presumably January 17, collect public comments, discuss those comments and the proposed amendment prior to sending to the Village Council.
4. New Business Item "B" (2 pages) - I have enclosed a draft Zoning Ordinance Amendment that would prohibit Medical Marijuana Facilities from locating with the Village of Pentwater. The Michigan Medical Marijuana Facilities Act was passed by the State Legislature in 2016. Such facilities as marijuana growers, processors, testing facilities, dispensaries and transporters would be allowed to locate only within Agricultural and Industrial Zoning Districts. Thus, the only location one could be placed at this time in the Village is the location of the current wire factory.

# **NOTICE**

## **VILLAGE OF PENTWATER**

### **County of Oceana, Michigan**

**PUBLIC NOTICE IS HEREBY GIVEN** that the Planning Commission of the Village of Pentwater will hold a public hearing on December 20, 2017, at 7:00 p.m., at the Village Hall, 327 S. Hancock Street, Pentwater, Michigan, to hear and consider comments concerning a proposed amendment to the Village Zoning Ordinance (currently titled the Pentwater Community Zoning Ordinance). The proposed amendment would decrease the members of the Village Zoning Board of Appeals from seven (7) members to five (5) members.

The proposed text of the amending ordinance is on file and may be examined at the offices of the Village Clerk, 327 S. Hancock Street, Pentwater, Michigan, during Village office hours.

All interested persons may attend the public hearing and be heard concerning the proposed amending ordinance. Written comments may be submitted to the Village Clerk, at the above-stated address up to and during the time of the public hearing.

Dated: November 20, 2017

**PLANNING COMMISSION OF THE  
VILLAGE OF PENTWATER**

*DHS Nov. 30, 2017 Pg. 88*

**VILLAGE OF PENTWATER**  
**COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the Village Council of the Village of Pentwater, held at the Village Hall, 327 S. Hancock Street, Pentwater, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2017, at 7:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following ordinance and preamble were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND VILLAGE OF PENTWATER'S ZONING ORDINANCE  
(ALSO KNOWN AS THE PENTWATER COMMUNITY ZONING ORDINANCE)**

**[Decrease Members of Zoning Board of Appeals from Seven to Five]**

WHEREAS, the Village Council of the Village of Pentwater has determined that it would be in the best interest of the Village to decrease the number of Zoning Board of Appeals members from seven (7) members to five (5) members.

THE VILLAGE OF PENTWATER ORDAINS:

**Section 1. Zoning Board of Appeals Membership.** Section 18.02.A of the Village's Zoning Ordinance is hereby amended to provide that the Zoning Board of Appeals of the Village of Pentwater shall consist of five (5) members.

**Section 2. Publication; Effective Date.** This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Village.



AYES:       Members: \_\_\_\_\_

NAYS:       Members: \_\_\_\_\_

ABSENT:     Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Rande S. Listerman, Village Clerk  
Village of Pentwater

STATE OF MICHIGAN    )  
                                  ) ss.  
COUNTY OF OCEANA    )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Rande S. Listerman, Village Clerk  
Village of Pentwater

## **MEMORANDUM**

**To:** Village of Pentwater Planning Commission  
**From:** Keith Edwards, Zoning Administrator  
**Date:** November 9, 2017  
**Subject:** Downtown Pentwater Plan – Geographic Area, Review of Chapters 3 & 4 of the 2015 Master Plan Update, Planning Commissioner Assignments

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### **Introduction**

The following information identifies those issues that I propose we review as pertaining to Downtown Pentwater. This memorandum seeks to provide background information for discussing four issues:

1. Determine the geographic area to be included in the Downtown Pentwater Plan.
2. Review the Planning Goals of Chapter 3 of the 2015 Master Plan Update. Isolate those goals that refer to Downtown Pentwater. Amend and/or add to those goals specifically for the Downtown Plan within the geographic area identified in no. 1 above.
3. Review Chapter 4 – Charting the Future for Commercial and Residential Uses in Downtown Pentwater.
4. Assignment of information gathering tasks to Planning Commissioners.

### **Background**

Using the only two map sources we currently have, the Zoning Map and Future Land Use Map, I would like to work with the Planning Commission to determine a geographic boundary for inclusion within the Downtown Pentwater Plan.

I have reviewed the 2015 Master Plan Update, specifically the Vision Statement, Core Values and Goals of Chapter 3. It is my suggestion that the Planning Commission not consider changing the Vision Statement or Core Values at this time, for a purposeful public input process should be initiated for reexamining the Village's Vision and Core Values. Rather, the Planning Commission should be informed as to what this chapter says about the goals of commercial and residential uses as they relate to Downtown Pentwater.

I have reviewed Chapter 4 of the 2015 Master Plan Update, specifically pages 27 through 41 and concentrated the discussion below on the Infrastructure, Commercial, Residential and Semi-Public and Public Facilities portions of Chapter 4 – Charting the Future.

At the November 15 Planning Commission meeting, I am going to request that Planning Commissioners volunteer for assignments for information gathering and analysis in certain areas taken from the Downtown Pentwater Plan outline (attached for reference).

## Discussion

### Chapter 3 - Goals

The complete list of six (6) goals are described on pages 24 through 26 of the 2015 Master Plan Update. Below, I have provided some comments for Planning Commission discussion:

- Goal 1 – this goal reflects the bias or dogma for considering land use decision relative to “Village-scale density...to create a community consistent with our existing small town character”. Thus, the Planning Commission’s task at this point would be to identify and describe what it is or will be about Downtown Pentwater that development and new development will be consistent with village-scale, small town character.
- Goal 2 – is sort of a two-fold goal and really should be separated in the future because it relates to determining whether future uses can be supported by infrastructure, “...facilities and uses..., and preserve the natural character of the landscape”. The big concern seems to be a statement that follows: “Large industrial or commercial developments can neither be economically supported nor provided with the infrastructure necessary to accommodate them”. This statement seems to deter large scale “big box and junior box stores”, commercial and other industrial users that tax the roadways, parking, police and fire, sewer and water systems. After defining the appropriate scale of commercial uses that “fit” Downtown Pentwater, the Planning Commission should work with Village staff and perhaps Village engineers to determine whether our public facilities, services and infrastructure can manage the scale of development.
- Goal 3 – is really a repeat of Goals 1 and 2 above, however the discussion suggests that some development could be tolerated, but that there is little support by the public for attracting new commercial or industrial development. At this time, I suggest that the Planning Commission may want to create target areas for development or redevelopment and explore a range of uses and scale that may be acceptable in those locations.
- Goal 4 – pertains to working with other interested parties to promote economic opportunities like jobs, and recognizes that those communities with highway interchanges like Pentwater Township, Summit Township, Weare Township and the Hart area may have property planned for larger scale commercial and industrial development. Planning Commissioners should consider these possibilities as they review proposed uses for the Village and Downtown Pentwater to provide housing, personal services, and small-scale commercial uses.
- Goal 5 - reflects the community’s desire to preserve natural resources. As it pertains to the Village, this goal points to seasonal attractions such as Charles Mears State Park and the public and private marinas. Integrating and/or connecting these attractions with the commercial core of the Village can have synergistic benefits.

- Goal 6 – is relative to creating housing for the aging population while keeping these populations connected to the community. Planning Commissioners should consider whether such uses are appropriate for the downtown geographic area and what areas in particular, if any, are appropriate for such uses.

#### Chapter 4 – Charting the Future

This part of the Planning Commission’s discussion should be informed by the sections on infrastructure; semi-public and public facilities (boat launch, marinas, village green, dinghy dock, shopper’s dock, water tower park and bell park); commercial and residential uses; assuming, of course, that the Planning Commission does not intend to include light industrial uses in the discussion.

Downtown Infrastructure – Planning Commissioners should consider a section of the Downtown Pentwater Plan that deals with “Complete Streets”, that deals with traffic patterns, destinations for parking and on-street parking, storm water management and pedestrian other forms of non-motorized transportation. We should also consider the idea that roadways may be used in the future for smaller forms of motorized transportation, autonomous and non-fossil fuel powered vehicles.

Downtown Semi-Public and Public Facilities - Integration of the Pentwater Design by Steve Bass will be critical in this step as well as important to inform other discussions, and viable connections between Downtown Pentwater and Charles Mears State Park, Channel Lane Park, Pentwater Lake, and Chester Street Park should also be explored.

Downtown Commercial Uses – The Planning Commission should consider the potential for Village-scale “boutique” hotel(s), ancillary uses like sundries, fitness and business service uses; restaurants and other “night-life”; medical and other service oriented offices uses; and, off-street parking facilities that could be woven into the commercial / single family residential area by use of appropriate design and buffering techniques.

Downtown Residential Uses – I was surprised to learn that the Master Plan and Zoning Ordinance seems to discourage residential uses in “downtown” Pentwater, yet not too surprised. Such bias in favor of keeping these uses out of downtown is customarily a relic of the late 1950’s through the 1970’s. Since 1980, there has been a resurgence in Planning Principles reversing those trends toward creating incentives for people to reside downtown. This movement began with “New Urbanism” in the late 1980’s, has continued under buzz words like Smart Growth and most recently “Sustainable Cities or Cool Cities”.

Chapter 4 provides the following Guidelines (labeled Design Guidelines) for Residential uses in the Business District:

- “Limited mixed-use scale in the downtown business district with second- and third-floor apartments / condominium units will provide a mixture of housing types to augment available housing options currently available in the Village. These units will be limited in size and scale in relation to the existing and historic structures of the Village and the height limits outlined in the Zoning Ordinance.” (p. 34)

And yet, the above statement seems to conflict with the next statement:

- “Downtown land use should ensure that retail development is concentrated on Hancock and office services are directed to side streets off Hancock. Residential Development should be considered as an accessory use to commercial uses in this district.” (p. 36)

This section should focus on consideration for upper floor residential uses in existing buildings and not require that residences on those upper floors be accessory to what is on the main or sidewalk level floor. Consideration should be given to locating Downtown residences on the second and third floor while prohibiting them at or below the grade of the main or sidewalk level.

#### **Next Steps**

At this time, I would like to discuss with the Planning Commission assigning one or more Planning Commissioners to work with me and perhaps others in the following categories derived from the Downtown Pentwater Plan outline and the above discussion, as they may be revised from time to time:

- a. Waterfront Community
- b. Garden Community
- c. Arts Community
- d. Historic Heritage
- e. Downtown Economy

Lastly, I am somewhat in disagreement with certain items in the Zoning Plan (Chapter 5) and Implementation Table (Chapter 6) in the Master Plan, including, but not limited to: Elimination of the C-1 General Commercial District in favor of putting all of the C1 properties into the C3, General Business District without consideration for the differences between what these districts allow for. These items will be discussed at the next Planning Commission meeting.

**Memorandum**

**To:** Village of Pentwater Planning Commission

**From:** Keith Edwards, Zoning Administrator

**Date:** October 13, 2017

**Subject:** **Downtown Pentwater Plan Outline for Discussion  
Formulation of Work Plan and Organization of Work Groups**

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After further review of my August, 2017 memorandum regarding an outline for the Downtown Pentwater Plan – a Sub-Area Amendment the Master Plan, I am suggesting the following revisions for your consideration:

**Downtown Pentwater Sub-Area Plan Outline**

**A. Introduction**

- a. Purpose
- b. Determine Geographic Area (including waterfront)
- c. Summarize Existing Conditions
- d. Conclusion

**B. Asset Inventory and Review of Existing Conditions**

- a. Inventory and Review
  - i. Assets
  - ii. Review Existing Land Use and Proposed Land Use Map
  - iii. Review Existing Zoning Map
  - iv. Review Existing Zoning District Regulations
- b. SWOT(B) Analysis
  - i. Strengths
  - ii. Weaknesses
  - iii. Opportunities
  - iv. Threats (Barriers)

**C. Develop Goals**

- a. Waterfront Community
- b. Garden Community
- c. Arts Community
- d. Historic Heritage
- e. Downtown Economy

**D. Strategies for Overcoming Barriers: Implementing Change, Completing Projects and Reaching Goals**

- a. Develop Project List and Assign Responsibility to Subcommittees
  - i. Amend Master Plan Text and Future Land Use Map
  - ii. Amend Zoning Regulations and Map
  - iii. Build Strategies and Plans for Branding, Marketing and Advertising
  - iv. Develop Downtown Design Guidelines, i.e. facades, signs, redevelopment, etc.
  - v. Develop Site Specific work plans including costs timelines for specific projects such as:
    1. Pentwater Design Project – Trees, Landscaping, Furniture and Seasonal Decorations including:
      - a. Fish Station
      - b. Bell Park
      - c. Shopper’s Dock
      - d. Water Tower Park
      - e. Other site projects like:
        - i. Village Green Amenities
        - ii. Waterfront and Marina Amenities
        - iii. Etc.
    2. Complete Streets Infrastructure Improvements like:
      - a. Non-motorized Travel including sidewalks and respite areas.
      - b. Lighting
      - c. Storm Water Management and Infrastructure
      - d. Sanitary Sewer Capacity and Transmission
      - e. Municipal Water Supply Volume and Pressure, etc.
- b. Evaluate and Revise above as necessary

So, to get us started, I am suggesting the Planning Commission review and discuss the outline above and consider assignments for Planning Commissioners, Staff and other interested persons to take part in forming the components of the Downtown Pentwater Sub-Area Plan.

At the October Planning Commission meeting, I will be spelling out the necessary procedures in accordance with the Michigan Planning Enabling Act. Should the Planning Commission wish to pursue the assignment of tasks and formation of sub-committees, those steps would be a convenient path forward toward organization of this planning effort as we plan for the kick-off in November.

**VILLAGE OF PENTWATER**  
**COUNTY OF OCEANA, MICHIGAN**

At a regular meeting of the Village Council of the Village of Pentwater, held at the Village Hall, 327 S. Hancock Street, Pentwater, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2018, at 7:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following ordinance and preamble were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE to amend and rename Village Ordinance No. 99-8, as amended, formerly known as the Pentwater Community Zoning Ordinance**

**[Establishing the Village's Zoning Ordinance, formerly known as the Pentwater Community Zoning Ordinance, as a separate, renamed ordinance]**

WHEREAS, the Village of Pentwater, by means of Ordinance No. 99-8, as amended, adopted the Pentwater Community Zoning Ordinance, which was also adopted by the Township of Pentwater by means of Ordinance No. 7-14-99 and was printed as a single document;

WHEREAS, the Village of Pentwater and the Township of Pentwater have each subsequently adopted separate amendments, resulting in different provisions for the Pentwater Community Zoning Ordinance, when applied to the Village and Township, respectively;

WHEREAS, the Village of Pentwater, because of past amendments and anticipated future amendments, desires to separately establish its zoning ordinance as the Village of Pentwater Zoning Ordinance, so as to clarify its provisions and avoid confusion, particularly in those cases where the Village and Township zoning ordinance provisions are no longer identical; and



WHEREAS, the Village of Pentwater has held a public hearing with respect to the proposed language clarifications required to make the Village’s zoning ordinance an independent document and to rename it as the Village of Pentwater Zoning Ordinance, and has considered the comments of the public regarding this matter.

THE VILLAGE OF PENTWATER ORDAINS:

Section 1. All references to Pentwater Community Zoning Ordinance, Village Ordinance No. 99-8, including the reference in Section 1.01, shall be changed to “Village of Pentwater Zoning Ordinance,” also to be referred to on occasion as the “Village Zoning Ordinance.”

Section 2. Section 1.03.D is hereby deleted. Further, all sections, zoning ordinance provisions, notes and footnotes which apply only to the Township of Pentwater, and which are not part of the Village Zoning Ordinance, are hereby deleted so as to clarify the ordinance, even if those Township references are not specifically identified in this amending ordinance.

Similarly, all references which indicate that a provision is applicable only to the Village or state “Village Only” are hereby deleted as unnecessary, but the substantive provision applicable to the Village shall be retained.

To the extent not specifically addressed in this ordinance, re-lettering or renumbering of sections shall be completed to account for the revisions put into effect by this ordinance.

Section 3. Section 2.01.H is hereby deleted.

Section 4. The definition of “Board, Township” in Section 2.03 Definitions – B shall be deleted.

Section 5. The definition of “Board of Appeals, or Board” in Section 2.03 Definitions – B shall be amended to read in its entirety as follows:

“BOARD OF APPEALS, OR BOARD. As used in this Ordinance, this term shall mean the Village of Pentwater Zoning Board of Appeals.”

Section 6. The definition of “Community” in Section 2.04 Definitions – C shall be deleted and all references in the zoning ordinance to the “Community” or “Pentwater Community” shall be revised to refer to the “Village” or “Village of Pentwater.”

Further, the definition of “Commission, Planning” shall be amended to read in its entirety as follows: “This term shall mean the Village of Pentwater Planning Commission.”

Section 7. The definition of “Engineer” in Section 2.06 Definitions – E shall be revised to read in its entirety as follows:

“ENGINEER shall mean the person or firm appointed by the Village Council as the Engineer for the Village.”

Section 5. The definition of Garage in Section 2.08 Definitions – G which is applicable to the “Township Only” is hereby deleted.

Section 8. The definition of “Legislative Body” in Section 2.13 Definitions – L shall be deleted and all references in the zoning ordinance to the “Legislative Body” shall be revised to refer to the “Village Council” or the “Village Council of the Village of Pentwater.”

Section 9. The definition of “Master Plan” in Section 2.14 Definitions – M shall be amended to read in its entirety as follows:

“MASTER PLAN. The Master Plan currently adopted by the Village of Pentwater, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of the Village of Pentwater, and includes any unit or part of such plan and any amendment to such plan.”

Further, the last sentence in the definition of “Motel” shall be revised to read as follows: “A motel shall not include accessory uses, such as gift shops, restaurants and other similar uses.”

Section 10. The definition of “Medical Marihuana Business,” applicable only to the Township, is hereby deleted.

Section 11. The definition of “Township” in Section 2.20 Definitions – T is hereby deleted.

Section 12. Section 2.22 Definitions – V is hereby amended to add a definition of “Village Council,” which shall read in its entirety as follows:

“VILLAGE COUNCIL. The term “Village Council” shall mean the Village Council of the Village of Pentwater.”

Section 13. The definition of “Zoning Board of Appeals, or Board” in Section 2.25 Definitions – Z is hereby amended to read in its entirety as follows:

“ZONING BOARD OF APPEALS, OR BOARD shall mean the Zoning Board of Appeals of the Village of Pentwater.”

Section 14. Section 3.08 of the Zoning Ordinance is hereby amended to delete Section 3.08.D.2 in its entirety, and Section 3.08.D.3 shall be renumbered as Section 3.08.D.2.

Section 15. Section 3.08.I is hereby deleted.

Section 16. Section 3.10.B is hereby deleted and Section 3.10.C is hereby renumbered as Section 3.10.B.

Section 17. Section 3.19.D is hereby amended to read in its entirety as follows:

“This activity shall be regulated by the Village of Pentwater Ordinances Chapter 1460.”

Section 18. Section 3.23 is hereby deleted, and the section number is reserved.

Section 19. Section 3.24.B.9, subpart b, shall be amended to read in its entirety as follows:

“A detached accessory structure which is accessory to a single-family dwelling or duplex that has nonconforming setbacks may be demolished and a new accessory structure may be built in the same location; provided that the new accessory structure does not exceed fifteen (15) feet in height, or the height at which the structure was certified above fifteen (15) feet; and meets current building code requirements, and that the location of the non-conforming accessory structure is certified by the Zoning Administrator.”

Section 20. All references to the date of adoption of any Township provision shall be deleted.

Section 21. In Sections 6.04.E and 7.04.E, references to front yard setbacks and side yard setbacks in the Township are hereby deleted and only the Village setback shall be listed.

Section 22. In Section 8.04.B, the phrase “Waterfront properties located within the Village of Pentwater” shall be amended to “Waterfront properties.”

Section 23. Section 13.03.H is hereby deleted.

Section 24. Section 14.03.D.3.b shall be revised to read in its entirety as follows:

“The Village Council shall require that legal documents or contracts be prepared to the extent they involve the Village of Pentwater and are required as a result of the conditions contained in the final approval. Such contracts shall be recorded in the office of the Oceana County Register of Deeds.”

Section 25. Section 15.04.F.1 is hereby deleted, and Section 15.04.F.2 shall be revised to read in its entirety as follows:

“Requirements for care homes, child care centers, group day care homes and other care homes and facilities permitted as a special land use under Section 4.03.L (R-R District), Section 5.03.K (R-1 District), Section 6.03.H (R-2 District and Section 7.03.I (R-3 District). A facility of this type shall be permitted as a special land use if the following conditions are satisfied:”

Sections 15.04.F.2, F.3, F.4 and F.5 shall be renumbered as Sections 15.04.F.1 through F.4. Also, in renumbered Section 15.04.F.3, reference to “Section 15.04.E.2” shall be revised to read “Section 15.04.F.1” and in renumbered Section 15.04.F.4, reference to “Section 15.04.E” shall be revised to read “Section 15.04.F.”

Section 26. Section 15.04.P.1 subparts a and f shall both be amended to delete the words “Township or.”

Section 27. Section 15.04.P.9 shall be amended to delete the words “or Township” from the first sentence.

Section 28. Section 15.04.V.7.a shall be amended to replace the references to “Township” with “Village.”

Section 29. Section 15.04.DD is hereby deleted.

Section 30. Section 16.08.M shall be revised to delete the words “Township or.”

Section 31. Section 17.09.E shall be revised to delete “Township.”

Section 32. The introductory paragraph of Section 18.02.A shall be amended to read in its entirety as follows: “The Zoning Board of Appeals of the Village of Pentwater shall consist of five (5) members appointed by the Village Council.”

Section 33. Section 18.02.A.1 shall be amended to replace the words “Township, as to the Township Zoning Board of Appeals, and in the Village, as to the Village Zoning Board of Appeals” with the word “Village.”

Section 34. Section 19.01 is hereby revised so that the first sentence shall read “The Zoning Ordinance previously adopted by the Village of Pentwater on May 9, 1994, and all amendments thereto, is hereby repealed.”

Section 35. Section 19.03.C is hereby amended to read in its entirety as follows:

“The civil fine for a municipal civil infraction shall be as noted in the Village of Pentwater Municipal Civil Infraction Ordinance.”

Section 36. Section 19.03.E is hereby revised to read in its entirety as follows:

“The Village Council, or its duly authorized representative, shall enforce the Ordinance. The provisions of the Ordinance shall be administered by the Zoning Administrator. The Village Council may, by its attorney, institute injunction, mandamus, abatement or other appropriate legal action or proceedings to prevent, enjoin, abate or remove any violation of this Ordinance. The Village President or the Building Official, Zoning Administrator or other Ordinance Enforcement Officer appointed by the Village is authorized to issue citations for violations of provisions of this Ordinance. Unless noted otherwise, violations shall be municipal civil infractions, if such person has reasonable cause to believe that an infraction has occurred, based upon personal observation or the report of a person who has allegedly witnessed the infraction.”

Section 37. Section 19.06.A is hereby amended to read in its entirety as follows:

“The Village Council shall establish fees by resolution for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during regular office hours at the Village offices. Such fees may be changed from time to time by resolution of the Village Council.”

Section 38. The first sentence of Section 19.08 is hereby revised to replace the words “Pentwater Community Master Plan, the Community of Pentwater” with the words “Village of Pentwater Master Plan, the Village of Pentwater,” and to replace the reference to “Pentwater Community” with the term “Village of Pentwater.”

Section 39. Section 19.09.A is hereby amended to read in its entirety as follows:

“The locations and boundaries of the zoning districts established within the Village shall be designated on a zoning map, known as the Village of Pentwater Zoning Map, which is hereby adopted and declared to be part of this Ordinance.”

Further, the Pentwater Community Zoning Map shall hereby be re-designated as the Village of Pentwater Zoning Map.

Section 40. Section 19.16.A is hereby amended to read in its entirety as follows:

“The Village Council shall appoint a Zoning Administrator. The Village Council may also appoint a Deputy Zoning Administrator authorized to act during periods of absence of the Zoning Administrator, and authorized to assist the Zoning Administrator with the responsibilities and powers granted to the Zoning Administrator. The Deputy Zoning Administrator shall have the same powers and authorities as the Zoning Administrator.”

Section 41. Section 19.18 is hereby revised to delete the sentence: “The effective date of this Zoning Ordinance for Pentwater Township is August 4, 1999.”

Section 42. Section 19.19.A is hereby revised to delete the words “or Township” and “, as applicable.”

Section 43. The last sentence of Section 19.19.B is hereby revised to read as follows:

“If the above-described 300-foot radius extends outside of the Village boundary, then notice must be provided within the 300-foot radius to all persons in the above-stated categories without regard to the boundary.”

Section 44. **Effective Date.** This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

AYES:        Members: \_\_\_\_\_

NAYS:        Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Rande S. Listerman, Village Clerk  
Village of Pentwater

STATE OF MICHIGAN    )  
  ) ss.  
COUNTY OF OCEANA    )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Rande S. Listerman, Village Clerk  
Village of Pentwater

VILLAGE OF PENTWATER  
COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the Village Council of the Village of Pentwater, held at the Village Hall, 327 S. Hancock Street, Pentwater, Michigan, on the \_\_\_\_ day of \_\_\_\_\_, 2018, at 7:00 p.m.

PRESENT: Members: \_\_\_\_\_

ABSENT: Members: \_\_\_\_\_

The following ordinance and preamble were offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Village of Pentwater Zoning Ordinance

[Defining and Prohibiting Medical Marihuana Facilities]

THE VILLAGE OF PENTWATER ORDAINS:

Section 1.     **Definition – Medical Marihuana Facility.** Section 2.14 Definitions – M of the Village’s Zoning Ordinance is hereby amended to add the definition of “Medical Marihuana Facility,” which shall read in its entirety as follows:

**Medical Marihuana Facility.** A medical marihuana facility is a grower, processor, secure transporter, provisioning center or safety compliance facility, as defined under the Medical Marihuana Facilities Licensing Act, being Act 281 of the Public Acts of 2016.

Section 2.     **Prohibition of Marihuana Facilities within the Village.** New Section 3.36 shall be added to the Village’s Zoning Ordinance. Section 3.36 shall read in its entirety as follows:



SECTION 3.36 PROHIBITION OF MEDICAL MARIHUANA FACILITIES WITHIN THE VILLAGE

The Village of Pentwater does not authorize or permit medical marihuana facilities, also known as marihuana facilities, and intends hereby to prohibit such facilities from being operated or located within the Village to the maximum extent permitted under the Michigan Medical Marihuana Act and the Medical Marihuana Facilities Licensing Act (Act 281 of the Public Acts of 2016). No provision of this ordinance shall be construed as implicit or explicit permission or authorization by the Village to operate or locate a marihuana facility within the Village. For purposes of this Section, the words and phrases contained herein shall have the same meaning as set forth in the Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, other state statutes regulating marihuana and the regulations adopted under such statutes by the State of Michigan Department of Community Health.

Section 3. **Effective Date.** This ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

AYES: Members: \_\_\_\_\_

NAYS: Members: \_\_\_\_\_

ORDINANCE DECLARED ADOPTED.

\_\_\_\_\_  
Rande S. Listerman, Village Clerk  
Village of Pentwater

STATE OF MICHIGAN )  
 ) ss.  
COUNTY OF OCEANA )

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Board of the Village of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

\_\_\_\_\_  
Rande S. Listerman, Village Clerk  
Village of Pentwater



**RESOLUTION TO SCHEDULE THE  
PENTWATER PLANNING COMMISSION  
2018 MEETING SCHEDULE**

At a regular meeting of the Village of Pentwater Planning Commission, Pentwater, Michigan, held at the Village Hall on December 20, 2017, the following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

**WHEREAS**, the Village of Pentwater Planning Commission's By-Laws (as amended December 16, 2015) requires that the meeting calendar for the following year will be established by Resolution at the last meeting of the year; and

**WHEREAS**, the dates and times shall be posted at the Pentwater Village Hall and a notice will be published in accordance with the Open Meetings Act;

**THEREFORE, BE IT RESOLVED** that the 2018 meeting schedule shall be at 7:00 PM on:

January 17, 2018  
February 21, 2018  
March 21, 2018  
April 18, 2018  
May 16, 2018  
June 20, 2018  
July 18, 2018  
August 15, 2018  
September 19, 2018  
October 17, 2018  
November 21, 2018  
December 19, 2018

Ayes:

Nays:

Absent:

I certify that this is a true copy of the resolution adopted by the Village of Pentwater Planning Commission at a regular meeting held on December 20, 2017 in the Village of Pentwater.

\_\_\_\_\_  
Ronald Christians, Chairperson

\_\_\_\_\_  
Date



# **VILLAGE OF PENTWATER**

ON PENTWATER LAKE AND LAKE MICHIGAN  
327 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449  
(231) 869-8301 FAX (231) 869-5120  
[www.Pentwatervillage.org](http://www.Pentwatervillage.org)

## **ZONING ADMINISTRATOR'S REPORT**

**December 1, 2017**

The following is a summary of activity conducted by the Zoning Administrator in November, 2017.

### **Code Enforcement**

Nothing outstanding at this time.

### **Planning Commission**

The Planning Commission met on November 15, 2017 to hold its regular meeting where they approved a tentative geographic area for the Downtown Pentwater Sub-Area Plan to be amended to the existing 2015 Master Plan Update. Additional information will be coming out from my office regarding the Planning Commission's planning process for your January meeting.

### **Zoning Board of Appeals**

The Zoning Board of Appeals did not meet in November.

### **Zoning Permits**

The following Zoning Permits were issued in November, 2017.

1. 128 Green St. to move the remaining portion of the existing house and the garage, outside of the Pentwater Community.
2. 1001 Park Street for a new 24 x 24 garage.

Sincerely,

*Keith J. Edwards*

Keith Edwards  
Zoning Administrator