

VILLAGE OF PENTWATER

65 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 - FAX (231) 869-5120
www.pentwatervillage.org

**Planning Commission Regular Meeting
January 27, 2026 - 6:00 P.M.
Park Place Event Center – 310 N. Rush Street**

Agenda

1. **Opening** – Welcome, Call to Order, and Pledge of Allegiance
2. **Roll Call**
3. **Approval of Agenda and Minutes**
 - A. Approval of Agenda
 - B. Approval of Minutes of November 25, 2025
4. **Public Comments:** For items on the agenda.
5. **Public Hearing:** None.
6. **Discussion Items**
 - A. Pentwater Historical Society Museum- Expansion of a Nonconforming Building
 - B. Accessory Building Text Amendment- Preliminary Review
 - C. Sidewalk Ordinance Discussion
 - D. Other discussion items
7. **Department/Committee Reports**
8. **Public Comments**
9. **Communications from Planning Commission Members**
10. **Adjournment**

Planning Commission
November 25, 2025
Park Place – 310 North Rush Street

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Chris Conroy called the meeting of the Pentwater Village Planning Commission to order at 6:00 P.M. from Park Place Meeting Center.

II. ROLL CALL

Present: Chris Conroy (Chair), Jack Provencal, Claudia Ressel, and Ron Stoneman

Absent: Dan Nugent and Amy Roberson

Also present: Toby Van Ess, Village Manager, Aaron Bigelow, Zoning Administrator and Niki Theeuwes, Management Assistant.

III. PUBLIC COMMENTS – On the agenda

None

IV. APPROVAL OF THE AGENDA

Chair Conroy requested approval of the agenda. *Motion* by commission member Provencal, supported by commission member Ressel to approve the agenda as presented.

Voice vote: Yes: 4. No: 0. Absent: 2. Motion approved 4-0.

V. APPROVAL OF MINUTES

Chair Conroy requested approval of the minutes for the August 26, 2025, meeting. *Motion* by commission member Provencal, supported by commission member Ressel to approve the agenda as presented.

Voice vote: Yes: 4. No: 0. Absent: 2. Motion approved 4-0.

VI. DISCUSSION ITEMS:

- A. **Introduction of Fresh Coast** – Chair Conroy introduced Aaron Bigelow of Fresh Coast Planning, he has been assigned to work with the Village as Planning Administrator. Aaron spent a few minutes describing his work with Fresh Coast and saying that he does this type of work for multiple jurisdictions of this size. He indicated that he will be stationed at the Village Hall on Fridays until March, when he will move to 2 days per week in the office. However, he also stated that he is available even when he is not in the office by phone.

B. Discussion of 2026 Meeting Dates – Resolution No. 2025-11-26

The Commission reviewed the draft Resolution setting meeting dates for 2026. Commissioner Stoneman made a motion to approve the Resolution for 2026, Commissioner Ressel supported.

Voice vote: Yes: 4. No: 0. Absent: 2. Motion approved 4-0.

While on meeting dates, a motion was made by Commissioner Ressel to cancel the December 2025 Meeting. Support by Commissioner Provencal.

Voice vote: Yes: 4. No: 0. Absent: 2. Motion approved 4-0.

C. Discussion of Ordinance Updates

A few of the updates that have been identified may need to be acted on sooner rather than later:

Enforcement – Enforcement was brought up as a need to clarify ordinance and the need to ensure consistency.

Accessory Building - One of the Ordinance Updates that have been mentioned and that are gaining some traction within the Village is Accessory Buildings. Aaron indicated that he has received an application that would require a change in the existing ordinances. Aaron is going to bring a draft back to the group.

Sidewalks/Pathways – The need to update the ordinance on sidewalks/pathways and who is responsible for them was also brought up.

Signs – The need to clarify and update the ordinance on Signs, especially for the summer season.

Toby also indicated that the Capital Improvement Plan is due to be released in January, this will help to further identify needs and budget constraints. He also indicated that the Commission is tasked with bringing forward community needs and/or concerns.

VII. DEPARTMENT REPORTS

A. Zoning Administrator – No Report

VIII. PUBLIC HEARING

None.

IX. UNFINISHED BUSINESS

MEDC Update – Commissioner Ressel questioned Administrator Bigelow on his experience with MEDC. He indicated that in his experience, it has not been as beneficial as indicated. Chair Conroy indicated that this is what she also found out meeting with Manistee regarding their experience.

X. NEW BUSINESS

None

XI. PUBLIC COMMENTS:

None

XII. Communications from Planning Commission Members

None

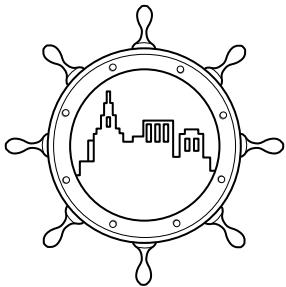
XIII. ADJOURNMENT

Motion by commissioner Stoneman, supported by commissioner Ressel to Adjourn. Meeting adjourned at 7:18 PM

Respectfully submitted,

Niki Theeuwes, Manager's Assistant

Date



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA
616-638-1240
greg@freshcoastplanning.com

Kevin Yeomans
616-349-0223
kevin@freshcoastplanning.com

Alexis Gukler
616-773-4638
alexis@freshcoastplanning.com

Aaron Bigelow
616-919-2370
aaron@freshcoastplanning.com

Andrea Goodell
616-313-9333
andrea@freshcoastplanning.com

MEMORANDUM

To: Village of Pentwater Planning Commission
From: Aaron Bigelow
Date: January 16, 2026
Re: Pentwater Historical Society Museum- Expansion of a Non-Conforming Structure

In accordance with the Village of Pentwater Zoning Ordinance (the “Ordinance”) Section 3.24.B- *Nonconforming Buildings or Structures*, we have received an application for an expansion of the existing Pentwater Historical Museum. As part of this proposed expansion, an addition to the current building has been proposed that would exceed 50% of the existing building’s size.

Zoning Ordinance Section 3.24.B.d provides:

d. The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became non-conforming; except that the Planning Commission may permit a greater percentage where all yard setbacks for the district in which the building is located are met without need of a variance to such setback(s).

Pursuant to Section 3.24.B.d above, the Planning Commission should review the attached site plan and determine if the proposed expansion is appropriate.

Current Building

The building that currently contains the Pentwater Historical Museum was historically a church built in 1894. The Historical Society purchased the building and began operations there in 2012. The existing building is 2,369 square feet with non-conforming setbacks along Rutledge Street and 1st Street. The parcel containing the existing building is shown below, outlined in blue.



Proposed Building Addition

Current regulations would allow a 1,184 square foot addition to the building, by right. The proposed building addition is 2,580 square feet, which will approximately double the size of the existing building: bringing the final total to 4,950 square feet. A copy of the sketch site plans are included at the end of this memorandum.

Zoning Ordinance Compliance

When determining whether to approve the requested addition, the Planning Commission Must consider the standards contained in Section 3.24.B. Following each standard we have provided our preliminary findings.

B. Non-conforming Buildings or Structures

1. Non-conforming building or structures may only be extended, enlarged, altered, remodeled or modernized when the Planning Commission determines that the following conditions are met:

a. The building or structure shall comply with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization.

Height: The proposed height for the new building is 35 feet; therefore the height requirements appear to be met.

Area: The existing building and proposed addition would occupy 4,950 square feet of the property, complying with the 50% Maximum Lot Coverage limit of 8,712 square feet. A 17-foot 6-inch front setback has been proposed, with 15-foot and 26-foot 6-inch side setbacks. As such, the area requirements appear to be met.

Parking and Loading: The applicant has submitted a deferred parking agreement (attached) with the neighboring church. This agreement appears to provide the 42 spaces as required by the Ordinance for churches, theaters, assembly areas, auditoriums, and gymnasiums of 4,950 square feet. However, per Ordinance Section 17.06, the Church is required to have 56 spaces, which is the total number of spaces present. The parking agreement restricts the use of the Church parking lot on Sundays, but the agreement does not meet the minimum requirements for both combined uses.

In addition, this agreement is effective for five years. It does not appear that the space to meet the required parking would be available at the expiration or termination of the parking agreement. With this consideration, conditions of approval may be appropriate to require the Musuem to provide the required parking, on site or through deferment, to continue operations following the expiration or termination of the parking agreement. The Planning Commission may also restrict hours of operations, restrict the type of events the historical society can have, or any other requirements Planning Commission may wish to place on the property. Following Planning Commission consideration of the Parking Agreement, the proposed enlargement may comply with all height, area, and parking provisions of the Ordinance.

b. The enlargement or extension is limited to the same parcel the nonconforming building or structure was located on at the time of the adoption of this Ordinance.

The enlargement would remain on the same parcel the nonconforming building was located on at the time of the adoption of this Ordinance.

- c. *The enlargement or extension will not interfere with the use of other properties in the vicinity.*

Parking and Loading: The applicant has submitted a deferred parking agreement (attached) with the neighboring church. This agreement appears to provide the 42 spaces as required by the Ordinance for churches, theaters, assembly areas, auditoriums, and gymnasiums of 4,950 square feet. However, per Ordinance Section 17.06, the Church is required to have 56 spaces, which is the total number of spaces present. The parking agreement restricts the use of the Church parking lot on Sundays, but the agreement does not meet the minimum requirements for both combined uses.

In addition, this agreement is effective for five years. It does not appear that the space to meet the required parking would be available at the expiration or termination of the parking agreement. With this consideration, conditions of approval may be appropriate to require the Musuem to provide the required parking, on site or through deferment, to continue operations following the expiration or termination of the parking agreement. The Planning Commission may also restrict hours of operations, restrict the type of events the historical society can have, or any other requirements Planning Commission may wish to place on the property. Following Planning Commission consideration of the Parking Agreement, the proposed enlargement may comply with all height, area, and parking provisions of the Ordinance.

Stormwater: 12,474 square feet of pervious surface would remain following the proposed enlargement, with a proposed setback of 15 feet from the neighboring property and no grading shown. Per County guidelines, a Soil Erosion and Sediment Control Permit is not necessary for this property, however, stormwater runoff onto neighboring properties may be affected by the additional building; therefore, the Planning Commission may wish to seek clarification on stormwater plans for the property or require a stormwater review prior to approval.

Traffic: The adjacent streets appear to be low traffic, residential streets. Planning Commission should consider any possible additional traffic and the effect on the surrounding neighborhood, and if a trip generation study may be necessary.

Visual Impact: Architectural elevations have not been received, but a conceptual design may be seen in the video produced by the Pentwater Historical Society, available on their website. This concept appears to match the existing building; however, the Planning Commission may wish to require architectural building elevations prior to approval; or require Zoning Administrator approval of said elevations; to ensure the enlargement matches the existing building as well as the character of the neighborhood.

The Planning Commission should review any traffic concerns, parking and loading concerns, stormwater management, and the visual impact, as detailed above, in determining whether the proposed enlargement will interfere with the use of other properties in the area.

- d. *The enlargement or extension shall not exceed fifty percent (50%) of the GFA of the original building or structure when it became non-conforming; except that the Planning Commission may permit a greater percentage where all yard setbacks for the district in which the building is located are met without need of a variance to such setback(s).*

The proposed enlargement would exceed 50% of the GFA of the original building, therefore the Planning Commission should determine if it is appropriate to permit a greater percentage. As shown in the table below, all yard setbacks have been met and no variance is required.

R-2 District Regulations	Residential Buildings		Non-Residential Buildings
	Single	Two Family	
Minimum lot area	8,000 square feet	15,000 square feet	15,000 square feet
Minimum lot width	66 feet	120 feet	120 feet
Maximum height	35 feet (See Section 2.03, Building Height)		
Front yard setback	17 feet		
Side yard setback	6 feet		15 feet
Rear yard setback	30 feet		
Minimum floor area	750 square feet on the first floor		N/A
Maximum lot coverage	50%		

R-2 Site Development Requirements

Neighborhood Support

The Applicant has stated that they have been in contact with the surrounding neighbors and they have provided their support of the project. The Applicant has suggested they may provide signed letters of support from these neighbors at the time of this review.

Planning Commission Review

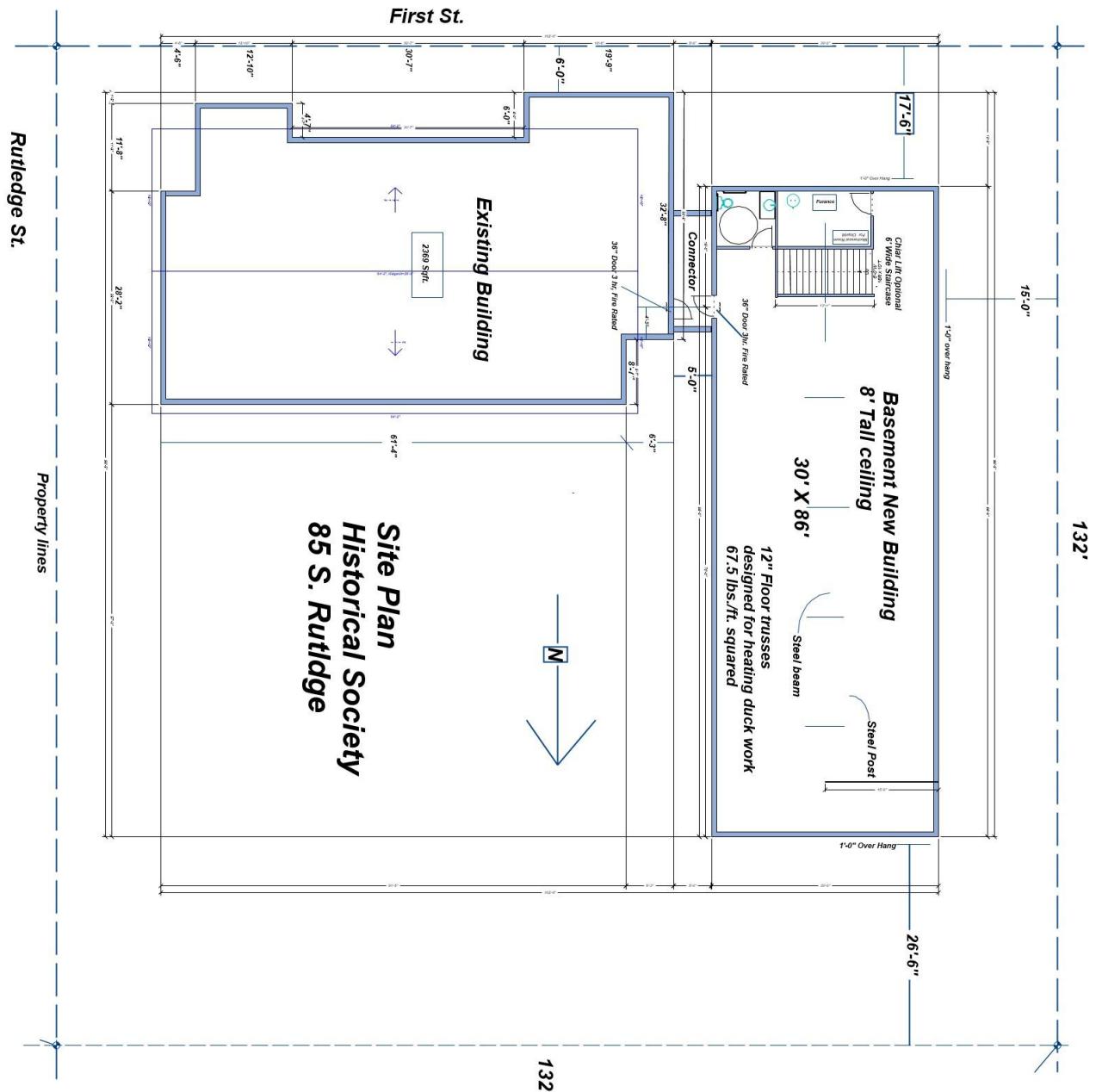
As detailed above, this building may meet the requirements for approval following Planning Commission consideration of the building size that is 50% larger than the existing nonconforming building. In addition to the information presented above, the Planning Commission should review the attached site plan and determine if the proposed expansion is appropriate.

The Planning Commission should also consider any traffic, parking and loading, stormwater management, and visual impact concerns when making their decision. If additional information is desired, approval of the proposed enlargement could be tabled until a comprehensive plan is established and reviewed by the Planning Commission; or approved by the Zoning Administrator.

In the event the Planning Commission determines approval is appropriate, we have provided the following motion for your consideration. In the event a motion is offered to recommend rejection of the proposed, we will gladly draft that motion for consideration at your next meeting based on your direction.

Motion to approve the request from Pentwater Historical Society to expand the building at 85 S Rutledge Street, finding that the request meets the standards of the Ordinance, as outlined by the memorandum from Fresh Coast Planning dated 1/16/2026 [or including specifics of your own notation or combination thereof].

AB
Planner



Overflow Parking Lot Use Agreement.

This agreement for overflow parking lot use is entered into this 1st day of December, 2025, between the parties hereto, being Pentwater First Baptist Church (The Church), located at 101 S. Rush St., PO Box 429, Pentwater, MI 49449, and The Pentwater Historical Society (PHS), which owns and operates the Pentwater Historical Museum (The Museum), located at 85 S. Rutledge St., PO Box 54, Pentwater, MI 49449.

1. Purpose of Agreement.

The Church is authorizing the use of its parking lot for special events as contracted through The PHS or The Museum, as described by the terms and conditions of this agreement. This agreement would allow temporary intermittent use of The Church parking lot located at 101 S. Rush St., by guests and patrons of The Museum for special event parking overflow, upon timely request and with specific authorization by the Church. A timely request is considered to be no less than 7 days' oral notice to The Church offices. The temporary use would extend for one day only, unless a longer period is approved by The Church, for any special event(s) held by PHS. Temporary use contemplates personal private vehicle parking on the parking lot with lot enforcement to be conducted by PHS or The Museum staff and any volunteers.

2. Duration of Agreement.

The duration and term of this agreement shall extend from the date of signing, until 5 years or 60 months thereafter, unless a shorter period is mutually agreed upon. This agreement terminates by its own terms on the date 5 years or 60 months hence from signing hereto, and is subject to renewal and modification upon mutual written agreement between the parties.

3. Restrictions on use.

The Church parking lot is to be used only for special events hosted by The Museum and upon specific request and permission granted by The Church. In no event shall use of the parking lot be permitted by The Church for any Sunday event. The parking lot shall be accessed through the Rush St. entrances and exits only, and is for private personal vehicle parking of all guests and patrons of The Museum for the duration of the special event only. No other use of the parking lot is contemplated. Specifically, no RV or motor home camping shall be allowed nor is contemplated by this agreement.

If snow removal is needed during the event use date(s), the Church contractor (Ryan's Lawn Care) shall be contacted and the renter, PHS or The Museum will be responsible to reimburse the Church for snow removal expenses. The snow removal contractor shall be Ryan's Lawncare.

All use of the parking lot contemplates that guests and patrons not discard any garbage or debris on the lot, and enforcement of lot maintenance during special event use shall be the responsibility of PHS or The Museum and staff. Vehicles of guests and patrons left behind after

the special event has concluded shall be removed by Museum staff or volunteers, and any costs associated thereto borne by The Museum.

To respect the neighboring residences, the Church parking lot should be cleared by any renting party no later than 10 pm on any given event date. Enforcement of this provision is the responsibility of PHS or The Museum staff.

All use of the parking lot is for private personal vehicle parking only and no loitering, drinking and meal consumption is allowed, unless by special permission of The Church. First Baptist Church is an alcohol, drug, and tobacco free zone.

4. Insurance and Indemnification.

All guests and patrons of PHS or The Museum shall maintain proper state mandated vehicle insurance on every vehicle to be parked in The Church's lot during the entire duration of the parking lot access. Each museum guest or patron is responsible for proper footwear and clothing while in the parking lot, for the weather conditions existent.

In the event of loss or damage to any property or person of any guest or patron of PHS or The Museum, The Church shall be indemnified for any loss or damage liability claim made against The Church's liability insurance carrier. The Museum agrees to specifically indemnify The Church for all such loss incurred by any guest or patron, together with attorney fees and claim costs, if any are incurred.

5. Financial Compensation.

PHS and The Museum's use of The Church parking lot under the terms and conditions described herein shall be without specific financial payment contemplated. In exchange thereto, the Church desires and seeks to promote enhanced community support and use of PHS and The Museum property, including special events, and seeks a cooperative understanding with PHS and The Museum to achieve Pentwater community goals.

6. Termination Rights.

This agreement may be terminated without specific reason by either party upon 30 days' written notice. This agreement is subject to modification of any term upon mutual agreement and written change via addendum. In any event this agreement is terminated by its own terms after 5 years or 60 calendar months from the date of signing herein. The agreement is subject to renewal or modification after that date.

This agreement constitutes the full understanding between the parties hereto and no other agreements or understandings are contemplated. No modifications shall be contemplated unless and upon specific agreement of the parties hereto.

7. Governing Law.

This agreement is governed by the applicable laws of the State of Michigan, and should any dispute arise concerning this agreement between the parties hereto, resolution of any contractual or legal issue shall be governed by Michigan Law.

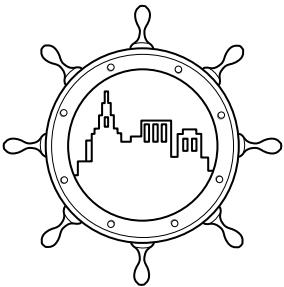
The Church:

Pastor Mark A. Zillie dated 12-1-2025

Pentwater Historical Society:

PHS Chairman Dick Wern (RW)(DH) dated 12-2-2025

Museum Director Daniel D. Hoekstra dated 12-2-2025



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA
616-638-1240
greg@freshcoastplanning.com

Kevin Yeomans
616-349-0223
kevin@freshcoastplanning.com

Alexis Gukler
616-773-4638
alexis@freshcoastplanning.com

Aaron Bigelow
616-919-2370
aaron@freshcoastplanning.com

Andrea Goodell
616-313-9333
andrea@freshcoastplanning.com

MEMORANDUM

To: Village of Pentwater Planning Commission
From: Aaron Bigelow
Date: January 16, 2026
Re: Accessory Building Text Amendment Considerations

In accordance with the Village of Pentwater Zoning Ordinance (the “Ordinance”) Section 20.2-*Zoning Ordinance Text Amendment Application Procedure*, we have received an application from Ryan Whaley for an Ordinance Text Amendment to amend the accessory building size requirements of Section 3.08. We have conducted a review of the current regulations and introduced the text amendment language proposed by the Applicant. The Planning Commission should review the language of the potential amendment and consider if a text amendment is appropriate, and if so, what the preferred accessory building size regulations may be.

Current Language

Below is the current language relating to accessory building size in the Village of Pentwater Zoning Ordinance:

Section 3.08.D.– The maximum floor areas for all accessory buildings located on the same lot, whether attached or detached:

1. For single and two-family dwellings:
 - a. For lots of ten-thousand (10,000) square feet in area or less: seven hundred and twenty (720) square feet GFA.
 - b. For lots greater than ten thousand (10,000) square feet in area, up to two (2) acres: one thousand (1,000) square feet GFA.
 - c. For lots of two (2) to five (5) acres: one thousand five hundred (1,500) square feet GFA; and
 - d. For lots of more than five (5) acres: two thousand five hundred (2,500)

Proposed Language

As you will note below, the applicant proposes to amend the language to raise the accessory building size limits. Immediately below is their proposed text. Proposed deletions are shown in strikethrough text and proposed additions are shown in bold text.

Section 3.08.D.– The maximum floor areas for all accessory buildings located on the same lot, whether attached or detached:

1. For single and two-family dwellings:
 - a. For lots of ten-thousand (10,000) square feet in area or less: ~~seven hundred and twenty (720)~~ **one thousand (1,000)** square feet GFA.
 - b. For lots greater than ten thousand (10,000) square feet in area, up to two (2) acres: ~~one thousand (1,000)~~ **one thousand five hundred (1,500)** square feet GFA.
 - c. For lots of two (2) to five (5) acres: ~~one thousand five hundred (1,500)~~ **two thousand (2,000)** square feet GFA; and
 - d. For lots of more than five (5) acres: two thousand five hundred (2,500)

Location of Detached Accessory Buildings

Unless also amended, current Village setbacks for accessory buildings would still apply. As a reminder, those requirements of Section 3.08.E are listed below:

- E. Location of detached accessory buildings.
 1. Detached accessory buildings shall be located a minimum of ten (10) feet from any main building.
 2. Detached accessory buildings shall not be located in the front yard, unless each of the following three requirements are satisfied:
 - a. The subject lot shall have a depth of no less than 250 feet;
 - b. Such accessory building shall not be located nearer to the front lot line than one-half the distance between the front lot line and the main building; and
 - c. Such accessory building shall be at least 30 feet from the front lot line
 3. Detached accessory buildings equal to or less than one hundred and forty-four (144) square feet GFA shall be located a minimum of three (3) feet from any side or rear lot line
 4. Detached accessory buildings greater than one hundred and forty-four (144) square feet GFA shall be located a minimum of six (6) feet from any side or rear lot line.

Maximum Lot Coverage

The Village of Pentwater also maintains Maximum Lot Coverage requirements for most Zoning Districts. Maximum Lot Coverage restricts the amount of impervious surfaces (buildings, driveways, parking lots etc.) allowed on a property to determine the remaining square footage allowed for an accessory building. These lot coverage requirements would apply in addition to any accessory building size limit.

For example, on a 11,000 square foot lot in the R-2 District, a maximum of 5,500 square footage of buildings, driveways, etc. can be built upon the lot. If a person has a 3,000 square foot house, a driveway of 800 square feet, and a 300 square foot paved patio, they are limited to building a 1,400 square foot accessory building.

In other words, even though the Zoning Ordinance may allow for a 1,500 square foot accessory building on a 11,000 square foot lot, the property owner is still limited by Maximum Lot Coverage.

As a reminder, below are the current Maximum Lot Coverage requirements:

Zoning District	Maximum Lot Coverage %
R-R	None
R-1	30%
R-2	50%
R-3	50%
R-4	50%
MHP	None (Park Association may limit)
C-1	40%
C-3 & C-4	None
LI	60%
Residential PUD	25%

Potential Impacts

As the Planning Commission reviews the proposed changes to accessory building size, we recommend that you consider the following potential impacts:

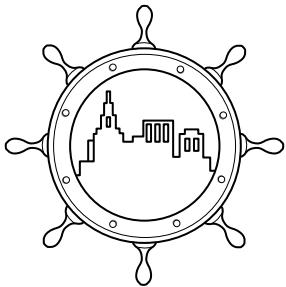
- Aesthetic impact to the character of the zoning district and Village.
- Storm water drainage.
- Other items as identified by the Planning Commission.

Public Hearing

As you know, a public hearing is required for any proposed text amendment. Following Planning Commission deliberations on the proposed Text Amendment, a public hearing may be held at a future meeting.

If you have any questions, please let us know.

AB
Planner



Fresh Coast Planning

119 1/2 Washington Avenue, Studio B
Grand Haven, MI 49417
www.freshcoastplanning.com

Gregory L. Ransford, MPA
616-638-1240
greg@freshcoastplanning.com

Kevin Yeomans
616-349-0223
kevin@freshcoastplanning.com

Alexis Gukler
616-773-4638
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Aaron Bigelow
616-919-2370
aaron@freshcoastplanning.com

Andrea Goodell
616-313-9333
andrea@freshcoastplanning.com

MEMORANDUM

To: Village of Pentwater Planning Commission
From: Aaron Bigelow
Date: January 16, 2026
Re: Sidewalk Text Amendment Considerations

The Planning Commission recently discussed the current Zoning Ordinance regulations regarding sidewalks and the historical lack of compliance. We have conducted a review of the current regulations and are seeking the Planning Commissions direction in drafting potential Ordinance Text Amendments. The Planning Commission should review the current language from the Zoning Ordinance and consider what the desired language may be if a text amendment is necessary.

It should also be noted that Chapter 93 of the Village of Pentwater Regulatory Ordinance also dictates sidewalk regulations in the Village. The Regulatory Ordinance can only be amended by the Village Council. The Planning Commission may wish to seek input from the Village Council regarding any proposed changes to ensure that the Zoning Ordinance and Regulatory Ordinance provide the same regulations. At this time, the requirements of the Zoning Ordinance echo those of the Regulatory Ordinance, although the Regulatory Ordinance provides greater detail. A copy of the regulatory Ordinance has been attached for reference.

Current Language

Below is the current language relating to sidewalks in the Village of Pentwater Zoning Ordinance:

Section 6.04.D (R-2) and Section 7.04.D (R-3), – Site Development Requirements:

- D. Unless not required by any other Ordinance, sidewalks shall be constructed on all sides of the property abutting a public street. The Planning Commission may waive the requirement for a sidewalk when, in the opinion of the Commission, no purpose would be served by the sidewalk.

Manufactured Home Park 9.04.H- Standards and Regulations:

- H. Each lot shall front on sidewalks at least four (4) feet in width, located directly next to and parallel to the street.

Site Plan Review 16.08.H- Review Standards:

- H. All streets and driveways shall be developed in accordance with the Pentwater Subdivision Control Ordinance, the Oceana County Road Commission, or Michigan Department of Transportation specifications... **In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.**

As shown above, the Zoning Ordinance currently requires sidewalks on all new developments and single family homes in the R-2 and R-3 Zoning Districts, as well as Manufactured Home Parks. Additionally, the Planning Commission may require sidewalks for any use which is subject to site plan review. According to the Zoning Ordinance, sidewalks are not expressly required in commercial or industrial zoned lands. In order for sidewalks to be required in commercial or industrial properties the Planning Commission would have to require them as part of your review of a new use.

In R-2 and R-3; the Planning Commission may waive the requirement for a sidewalk when, in the opinion of the Commission, no purpose would be served by the sidewalk. This requires any resident who proposes a permitted use in these districts to appeal to the Planning Commission when they don't believe a sidewalk is necessary.

Non-Conformance

It's likely not possible to require the construction of sidewalks in areas of past non-compliance. For future uses, ensuring the language of the Ordinance is followed will provide greater connectivity and walkability within the Village and reduce pedestrian traffic on roads where sidewalks do not exist.

Public Hearing

As you know, a public hearing is required for any proposed text amendment. The Planning Commission should consider the existing language of the Zoning Ordinance and Regulatory Ordinance and determine if a text amendment is necessary. If the Planning Commission determines an amendment is necessary, a public hearing will be held at a future meeting.

AB
Planner

CHAPTER 93: STREETS AND SIDEWALKS

Section

Construction, Rebuilding, and Repair of Sidewalks

- 93.01 Declaration of necessity
- 93.02 Construction in newly-developed or vacant property
- 93.03 Rebuilding and repair; costs
- 93.04 Notice to property owners to construct, rebuild, or repair
- 93.05 Permit required; supervision
- 93.06 Construction by the village; costs
- 93.07 Special assessment for nonpayment of costs
- 93.08 Notice of special assessment
- 93.09 Hearing
- 93.10 Lien; status of debt; collection
- 93.11 Additional and excess assessments

CONSTRUCTION, REBUILDING, AND REPAIR OF SIDEWALKS

§ 93.01 DECLARATION OF NECESSITY.

Council hereby determines and declares that the regulations for the construction, rebuilding, or repair of sidewalks by special assessment in the village are a matter involving the public safety of the village, and accordingly, and pursuant to the general safety and welfare provisions of the statutes of the state, does hereby determine that the following regulations involving construction, rebuilding, or repair of sidewalks, provision for payment in full or in part by

the adjoining property owner, and provision for compelling payment in full or in part by the adjoining property owner by special assessment in the village, are a public necessity.

(Prior Code, § 1022.01) (Ord. 104-A, passed 3-10-1997)

§ 93.02 CONSTRUCTION IN NEWLY-DEVELOPED OR VACANT PROPERTY.

It shall be the duty of all owners of newly-developed or vacant real estate in the village to construct new sidewalks along the line of the streets next to and abutting upon the real estate if sidewalks do not already exist in the areas. Construction of the sidewalks shall be in accordance with specification of Council and shall be completed prior to issuance of an occupancy permit. The owner or owners of the property shall pay 100% of the cost of the construction of the new sidewalks.

(Prior Code, § 1022.02) (Ord. 104-A, passed 3-10-1997) Penalty, see § 10.99

§ 93.03 REBUILDING AND REPAIR; COSTS.

(A) No person shall permit the sidewalk which adjoins property owned or occupied by that person to fall into a state of disrepair or to be unsafe, in the opinion of Council.

(B) It shall be the duty of all owners of real property in the village to build, rebuild, or repair sidewalks along the line of streets abutting upon the real property whenever Council, in its judgment, decides that public necessity demands the construction

or repair of the sidewalk. Subject to the provisions of this subchapter, the village will pay to any person who constructs a cement sidewalk in the village, according to the specifications adopted by Council, the percentage of the cost of construction as follows.

(1) In nonresidential districts (as districts are defined in the zoning code), the village will pay 40% of the reasonable cost, and the adjoining property owned will pay 60% of the reasonable cost, for rebuilding or repair.

(2) In residential districts, the village will pay 50% of the reasonable costs, and the adjoining property owner will pay 50% of the reasonable cost, for rebuilding or repair.

(C) For purposes of this subchapter, sidewalks in commercial districts abutting Hancock Street shall extend the full distance from the building to the curb. Sidewalks in other areas of the village shall be at least four feet in width.

(Prior Code, § 1022.03) (Ord. 104-A, passed 3-10-1997) Penalty, see § 10.99

§ 93.04 NOTICE TO PROPERTY OWNERS TO CONSTRUCT, REBUILD, OR REPAIR.

Whenever Council, by resolution, declares the necessity for, and directs the construction of, any sidewalk in any street in front of or adjoining any private property, it shall be the duty of the Village Clerk to:

(A) Publish in a newspaper once each week for two consecutive weeks; and

(B) Mail by first-class mail to the owners as shown by the most recent tax assessment rolls, a notice dated on the first day of the publication, which shall notify the property owner:

(1) That Council requires the construction, rebuilding, or repair of sidewalks;

(2) Of the street and lot numbers or legal descriptions adjoining which the sidewalks shall be built;

(3) The time (not less than 30 days) within which construction should begin;

(4) That, upon failure to comply with the order, the village will cause the construction, rebuilding, or repair to be done, and the cost thereof, plus a penalty of 10% of the landowner's portion of the cost as provided herein and by statute, will be assessed against the property; and

(5) The estimated cost of the sidewalk construction, rebuilding, or repair if done by the village.

(Prior Code, § 1022.04) (Ord. 104-A, passed 3-10-1997)

§ 93.05 PERMIT REQUIRED; SUPERVISION.

Any person desiring to construct, rebuild, or repair a sidewalk on or adjacent to his or her property shall do so only upon a permit granted by the Zoning Administrator in accordance with the specifications established by the village. The sidewalk shall be constructed, rebuilt, or repaired under the supervision and direction of the Superintendent of Public Works who shall inspect the work and report to Council if the work has been done in accordance with the provisions of this subchapter, in full compliance with the specifications established by the village and to the satisfaction of the officer.

(Prior Code, § 1022.05) (Ord. 104-A, passed 3-10-1997)

§ 93.06 CONSTRUCTION BY THE VILLAGE; COSTS.

(A) If any person notified pursuant to § 93.04 has not constructed the sidewalk within the time mentioned, the village, under the direction of the Superintendent of Public Works, may construct or

cause to be constructed the sidewalk in front of or adjoining the premises of the person so in default, and, upon its completion, prepare a report and attach thereto an affidavit of publication and mailing of the notice ordering the sidewalk to be constructed, which report shall contain the cost of construction of the sidewalk, together with a penalty of 10% of the proportion due from the owner of each parcel of property adjacent to the sidewalk constructed, and a description of the parcels of land in front of or adjoining which the sidewalks have been constructed. The report shall be transmitted to the Village Clerk who, within 14 days after receipt, shall notify each of the persons who have had sidewalks constructed in front of or adjoining their premises, as shown by the report, by first-class mail at their post office address as shown on the most recent tax assessment roll, of the fact that the Village Treasurer will receive payment for the sidewalk construction and a 10% penalty for a period of 91 days from the date of the notice without further or additional cost. The Village Clerk shall further notify the persons that unless the construction costs and penalty are paid within 91 days, the fact of nonpayment will be transmitted in a report to Council for the purpose of levying a special assessment upon the property.

(B) Upon a special request in writing to the Village Clerk, any property owner may request an extended payment plan according to the following schedule for his or her portion of sidewalk construction.

(1) The schedule shall be as follows:

<i>Cost</i>	<i>Number of Equal Installments</i>	<i>Due in Full</i>
\$0 through \$400	1	July 1, the year following completion
\$401 through \$800	2	July 1, 2 years following the year of completion
\$801 through \$1,200	3	July 1, 3 years following the year of completion

\$1,201 through \$1,600	4	July 1, 4 years following the year of completion
Greater than \$1,600	5	July 1, 5 years following the year of completion

(2) The extended payments shall bear simple interest at 6% per year from the original due date to the date of payment.

(Prior Code, § 1022.06) (Ord. 104-A, passed 3-10-1997)

§ 93.07 SPECIAL ASSESSMENT FOR NONPAYMENT OF COSTS.

The Village Clerk shall, within 42 days after expiration of the time provided in § 93.06 for payment to the Village Treasurer, proceed to prepare an assessment roll in the legal and proper form and assess the amount so reported against those who have failed to pay the assessment within the time above mentioned, together with a penalty of 10% of the proportionate cost due from the property owner as provided by law, and the special assessment shall be made upon the parcel, lot, or lots fronting or adjoining the sidewalks so constructed, rebuilt, or repaired, and in proportion to the total number of square feet constructed.

(Prior Code, § 1022.07) (Ord. 104-A, passed 3-10-1997)

§ 93.08 NOTICE OF SPECIAL ASSESSMENT.

(A) Upon completion of the assessment roll, the Village Clerk shall:

(1) Cause to be published in a newspaper, once each week for two consecutive weeks, a notice as set forth in division (B) below; and

(2) Send the notice to the property owners by first-class United States mail, not less than ten days prior to the hearing, addressed to the owner at their last known post office addresses as shown on the most recent tax assessment rolls.

Village Of Pentwater

65 South Hancock Street, P.O. Box 622, Pentwater, Michigan 49449
(231) 869-8301 FAX (231) 869-5120
www.pentwatervillage.org

ZONING ADMINISTRATOR'S REPORT **January 2026**

The following is a summary of activity conducted by the Zoning Administrator in December 2025:

Zoning Board of Appeals – The ZBA did not meet.

Zoning Permits – The following Zoning Permits were issued in December of 2025:

1. ZP 25-47 was issued to Dream Home Builders: 463 6th St. to construct a new 3,274 square foot home on a property where the original home was moved

Other Activities-

1. Ongoing review of Ordinances
2. Accessory building Text Amendment- Preliminary review
3. Sidewalk Ordinance- Preliminary Review
4. Pentwater Historical Society Museum addition- PC review

Sincerely,

Aaron Bigelow

Zoning Administrator