



VILLAGE OF PENTWATER

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

Planning Commission Meeting Agenda May 28, 2019 - 6:00 P.M.

1. **Opening** - Call to Order, Pledge of Allegiance, and Roll Call. New Member Introduction.
2. **Approval of Agenda and Minutes**
 - A. Approval of Agenda.
 - B. Approval of Minutes of the Regular Meeting held April 23, 2019.
3. **Public Comments**
4. **Public Hearing** – Proposed Amendment to the Village of Pentwater Zoning Ordinance – Establishment of Chapter 20 and renumbering of Section 19.20
5. **Old Business**
 - A. Report from the Pentwater Visioning Team – Mark Benner.
6. **New Business**
 - A. Planning Commission Member appointment to the Vision Team.
 - B. Discussion of Zoning Ordinance Amendment - Proposed Chapter 20 and renumbering of Section 19.20.
 - C. Discussion of Future Zoning Ordinance Amendment - Commercial Zoning Districts and their provisions.
 - D. Consideration for a Zoning Ordinance Update – Comments from Planning Commissioners on first draft. Previously Delivered to the Planning Commission on April 23, 2019.
 - E. Planning Commissioner training opportunity June 6 – Golden Township Hall.
7. **Department/Committee Reports**
 - A. Zoning Administrator – See attached report.
 - B. Zoning Board of Appeals – No April meeting, no report.
8. **Communications from Planning Commission Members**
9. **Public Comments**
10. **Adjournment**

Next Scheduled Planning Commission Meeting – June 25, 2019 at 6 pm



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 – April 23, 2019

Chairperson Ron Christians called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:00 pm, with the Pledge of Allegiance.

ROLL CALL

Present: Bruce Koorndyk, Rand Gee, Kirstin McDonough, Ron Christians, Michelle Angell-Powell
Mark Benner and Paul Anderson.

Absent: None.

Staff Present: Keith Edwards, Zoning Administrator and Chris Brown, Village Manager.

APPROVAL OF AGENDA

Motion by Angell-Powell, second by Anderson to approve the Agenda as presented.

Voice Vote: Aye: 7 Nay: 0 Absent: 0 Motion passed.

APPROVAL OF REGULAR MINUTES

Motion by Angell-Powell, second by Koorndyk to approve the March 26, 2019 regular meeting minutes as amended.

Voice Vote: Aye: 7 Nay: 0 Absent: 0 Motion passed.

PUBLIC COMMENTS - None

PUBLIC HEARING - None

OLD BUSINESS

A. Report from the Pentwater Visioning Team – Rand Gee

Rand Gee gave a summary report of the activities of the Vision Team, whose latest meeting was earlier today, for long-term planning including: future selection of at-large members and a communications strategy; refinement of the planning process and the upcoming meeting Community Focus Groups and Town Hall meetings to be facilitated by Julie Hales-Smith funded in part by the Community foundation of Oceana County. The next Vision Team meeting is scheduled for May 7, 2019.

NEW BUSINESS

A. Request for approval for a screen porch addition to the existing detached accessory building (garage) at 85 E. First Street.

Zoning Administrator Keith Edwards presented a request from Steve Bass of 85 E. First Street to construct a screen porch addition to the nonconforming detached garage (detached accessory building) on the property. The garage is nonconforming because it is placed within 9 feet of the front property line along Carroll Street, where the required setback is 17 feet. Staff's recommendation was to approve the proposed screen porch addition subject to removal of the proposed cupola, which exceeded the height requirements of 18 feet.

Motion by Angell-Powell, second by McDonough to approve the screen porch addition to the garage of 85 E. First Street with the condition that the proposed cupola be removed from the plans.

Voice Vote: Aye: 7 Nay: 0 Absent: 0 Motion passed.

B. Consideration for a Zoning Ordinance Update.

Staff presented a letter and draft update of the Zoning Ordinance from Attorney Mark Van Allsburg who has been working with Zoning Administrator Keith Edwards on an update to the Zoning ordinance which addresses many issues within the Zoning Ordinance including typographical errors, grammatical corrections, recent legislative changes, changes recommended as a result of case law and recent discussions with the Planning Commission concerning the Waterfront Zoning District and select changes to the Definitions of Chapter 2 and the Special Land Use provisions of Chapter 15. There are still other areas to be addressed such as the provisions of commercial districts, recreational marijuana, PUDs, signs, small wireless facilities and natural resources extraction. is proposing to move the Conditional Rezoning provisions of Section 19.20 et. Seq. to a new chapter, Chapter 20, which would also contain standards for consideration of any zoning map changes and text changes. Planning Commissioners have been asked to review the proposed changes and work with Staff at the next meeting to consider the required statutory process for amending the document.

COMMITTEE/DEPARTMENT REPORTS

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

B. Zoning Board of Appeals – No meeting in March, 2018.

COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS

Chairman Christians and Planning Commissioners thanked Rand Gee for his service to the Planning Commission as he will be moving to the Seattle, Washington Area in May, 2019.

PUBLIC COMMENTS

Village Manager spoke on the importance of diversifying the local economy as it relates to the ability of the Village to seek bonds to raise funds for public infrastructure. Standard & Poors has given the Village of Pentwater a very favorable view as a community that is financially stable and well managed.

ADJOURNMENT - The meeting was adjourned by Chairperson Ron Christians at 7:09 PM.

Respectfully Submitted,
Keith Edwards, Zoning Administrator

April 30, 2019

Approved by the Village of Pentwater Planning Commission on _____.

DRAFT

MEMORANDUM

To: Village of Pentwater Planning Commission

From: Keith Edwards, Zoning Administrator

Date: May 21, 2019

**Subject: Proposed New Zoning Ordinance Chapter
Chapter 20 – Rezoning and Conditional Rezoning**

As a result of using our existing Zoning Ordinance to review and prepare a staff report for the rezoning of 10 Channel Lane, it came to my attention that the Zoning Ordinance did not contain the provisions for Conditional Rezoning as allowed by the Michigan Zoning Enabling Act (MZEA). To that end, on February 11, 2019, the Village Council approved an amendment to add Conditional Rezoning provisions to the Zoning Ordinance as Section 19.20 within the Zoning Ordinance.

However, during that review, I also discovered that the Zoning Ordinance does not contain any standards for considering rezoning requests (zoning map changes) or text amendments, such as compatibility with the existing Master Plan and other such standards. Thus, I requested that attorney Brian Monton prepare such provisions. During our discussions it became apparent that it would be more appropriate to create a stand-alone Chapter in the Zoning Ordinance, since Chapter 19 dealt primarily with general administration and enforcement of the Zoning Ordinance.

Today, we are proposing to move the Conditional Rezoning provisions of Section 19.20 et. Seq. to a new chapter, Chapter 20, which would also contain standards for consideration of any zoning map changes and text changes. The attached ordinance drafted by our attorney includes all of these provisions in one central location. Lastly, we also added a provision for Zoning Amendments that are required to conform to a court decree. While I do expect to use proposed Section 20.07 for court degrees very often, it provides a mechanism to amend the Zoning Ordinance as directed by the courts simply with Village Council adoption. No public hearing would be required.

Please accept any public comments offered at the May 28, 2019 public hearing, review the proposed ordinance amendment attached and consider making a recommendation to the Village Council for approval.

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 South Hancock Street, Pentwater, Michigan, on the ____ day of _____, 2019, at 6:00 p.m.

Members Present: _____.

Members Absent: _____.

The following ordinance and preamble were offered by Member _____ and supported by Member _____:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE VILLAGE OF
PENTWATER'S ZONING ORDINANCE**

WHEREAS, the Village Council of the Village of Pentwater has determined that it would be in the best interest of the Village to adopt a zoning ordinance adding "Chapter 20 - Rezoning and Zoning Ordinance Text Amendments" to the Village of Pentwater Zoning Ordinance;

WHEREAS, the Village Council of the Village of Pentwater has determined that it is appropriate to renumber Section 19.20 of the Village of Pentwater Zoning Ordinance governing the conditional rezoning of property to be Section 20.06;

THE VILLAGE OF PENTWATER ORDAINS:

Section 1. The Village of Pentwater Zoning Ordinance is hereby amended to add "Chapter 20 - Rezoning and Zoning Ordinance Text Amendments."

Section 2. The Village of Pentwater Zoning Ordinance is hereby amended to add and adopt Section 20.01, which shall read as follows:

Section 20.01. Zoning Amendment Initiation. An amendment to the zoning district boundaries contained on the official Zoning Map (rezoning) may be initiated by the Village

Council, Planning Commission, or by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this Ordinance may be initiated by the Village Council, Planning Commission, or by petition of one (1) or more property owners of the Village.

Section 3. The Village of Pentwater Zoning Ordinance is hereby amended to add and adopt Section 20.02, which shall read as follows:

Section 20.02. Rezoning and Zoning Ordinance Text Amendment Application Procedure.

A. Application Information for Amendments. An amendment to the official Zoning Map or to the text of the Village of Pentwater Zoning Ordinance, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of a complete application on a form supplied by the Village, including an application fee, which shall be established from time to time by resolution of the Village Council. The application shall explicitly describe the proposed amendment and shall be signed by the applicant.

B. Application Information for Zoning Map Amendment. In the case of an application for amendment to the official Zoning Map (rezoning), the following information shall accompany the application:

- (1) information to indicate the dimensions, location and size of the subject property such as a sketch plan, property identification number, a legal description, street address of the subject property, a map identifying the subject property in relation to surrounding properties, or other information required by the Planning Commission;
- (2) the name, signature, and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner;
- (3) the existing and proposed zoning district designation of the subject property;
- (4) a written description of how the requested rezoning meets Section 20.04 Criteria for Amendment of the Zoning Map (Rezoning); and
- (5) at the Planning Commission's discretion, the following additional information may be required:
 - (a) a site analysis site plan illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, any sight distance limitations, relationship to other developed sites, and access points in the vicinity;

- (b) a conceptual plot plan to scale demonstrating that the site could be developed with representative uses permitted in the requested zoning district meeting requirements for setbacks, wetland buffers access spacing, any requested service drives and other site design factors;
- (c) a traffic impact analysis if any use permitted in the requested zoning district could generate one hundred (100) or more peak hour directional trips, or 1,000 or more vehicle trips per day; the traffic study should contrast the daily and peak hour trip generation rates for representative use in the current and requested zoning district; the determination of representative uses shall be made by the Planning Commission with input from Village staff and consultants; and/or
- (d) the site shall be staked to clearly indicate the location of the requested amendment, and flagged stakes shall be placed at each parcel corner.

Section 4. The Village of Pentwater Zoning Ordinance is hereby amended to add and adopt Section 20.03, which shall read as follows:

Section 20.03. Rezoning and Zoning Ordinance Amendment Process.

A. Public Hearing. Upon initiation of a rezoning, zoning ordinance text amendment, or master plan amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*

B. Planning Commission Review and Recommendation. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Village Council. In the case of a proposed amendment to the official Zoning Map (rezoning), the Planning Commission shall consider the criteria contained in Section 20.04 Criteria for Amendment of the official Zoning Map (Rezoning), below, in making its findings and recommendation to the Village Council. In the case of a proposed amendment to the text of this Ordinance, the Planning Commission shall consider the criteria contained in Section 20.05 Criteria for Amendment of the Official Zoning Ordinance Text, below, in making its findings and recommendation to the Village Council.

C. Village Council Review and Action. Following receipt of the findings and recommendation of the Planning Commission, the Village Council shall consider the proposed Zoning Map or text amendment. In the case of an amendment to the text of this Ordinance, the Village Council may modify or revise the proposed amendment as

recommended by the Planning Commission. In the case of an amendment to the official Zoning Map (rezoning), the Village Council shall approve or deny the amendment.

D. Notice of Adoption. Following adoption of a Zoning Map or text amendment by the Village Council, a notice will be published in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, MCL 125.3101 *et seq.*

E. Resubmittal. No petition for rezoning or text amendment that has been denied by the Village Council shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new and material evidence or substantial proof of changed conditions.

Section 5. The Village of Pentwater Zoning Ordinance is hereby amended to add and adopt Section 20.04, which shall read as follows:

Section 20.04. Criteria for Amendment of the Zoning Map (Rezoning). In considering any petition for an amendment to the official Zoning Map (rezoning), the Planning Commission and the Village Council shall consider the following criteria in making its findings, recommendations and decision:

A. Consistency with the goals, policies, and future land use guidelines of the Village of Pentwater Master Plan, including all applicable subarea and corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;

B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district;

C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning;

D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;

E. The capacity of Village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of the Village residents;

F. The apparent demand for the types of uses permitted in the requested zoning district in the Village in relation to the amount of land in the Village currently zoned to accommodate the demand; and

G. Where a rezoning is reasonable given the above criteria, a determination shall be made

that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

Section 6. The Village of Pentwater Zoning Ordinance is hereby amended to add and adopt Section 20.05, which shall read as follows:

Section 20.05. Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Village Council shall, at minimum, consider the following before taking action on any proposed amendment to the text of this Ordinance:

- A. Compatibility with the basic intent and purpose of the Ordinance;
- B. Consistency with the goals, objectives, and future land uses of the Village of Pentwater Master Plan, including an sub-area or corridor studies;
- C. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
- D. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
- E. The requested amendment will not result in unlawful exclusionary zoning;
- F. There is documentation from Village staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance;
- G. The requested amendment will address changes in state or federal legislation or regulations or other Village ordinances;
- H. The requested amendment will resolve potential legal issues or administrative problems with the Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan;

Section 7. Conditional Rezoning. Section 19.20 of the Village of Pentwater Zoning Ordinance is renumbered to be Section 20.06.

Section 8. The Village of Pentwater Zoning Ordinance is hereby amended to add and adopt Section 20.07, which shall read as follows:

Section 20.07. Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Village Council and published, without necessity of a public hearing.

Section 9. Should any section, clause, or paragraph of this ordinance be declared by a court of

competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part of it other than the part declared to be invalid.

Section 10. All ordinances or part of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 11. This ordinance will 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: May 24, 2019

Subject: Review of Commercial Zoning Districts – Village of Pentwater

The Village of Pentwater Zoning Ordinance contains three commercial Zoning Districts called C-1, General Commercial, C-3, Central Business and C-4, Resort Hotel. The C-2 District was eliminated in 2011. I have attached the provisions of those districts, the respective pages from the Zoning Ordinance to this memorandum for your review. While we have two other commercial type use districts, the R-O, Residential Office District and LI, Light Industrial District, I have excluded them from this discussion.

Please review the provisions of these districts and the Zoning Map to familiarize yourself with the Permitted Uses, Special Land Uses and within the context of the discussions we have been having regarding downtown business uses including boutique hotels, restaurants, bars, brew-pubs and mobile food trucks/trailers; specialty retail boutiques; downtown residential uses, strip commercial uses, motels, lodges, hostels, inns, taverns, private clubs and camps. Please also bring your ideas for other uses that we should encourage or discourage in these areas.

We should review these districts in the context of whether such uses are uses permitted by right (Permitted Uses) where only Site Plan Review is required or Special Land Uses where both a Public Hearing is required as well as Site Plan Review. Later we should probably review the parking and sign regulations along with uses.

I plan to provide a more detailed PowerPoint presentation regarding these commercial districts, including reinstating a C-2, Neighborhood Commercial Zoning District at next week's Planning Commission meeting.

CHAPTER 11 C-1 GENERAL COMMERCIAL DISTRICT

(Formerly C-2 District; Amended 11-14-11 – Village; 12-14-11 – Township)

SECTION 11.01 INTENT

This District is intended to provide a wide range of goods and services to residents of Pentwater as well as surrounding areas. These uses will generally be more intensive and less compatible with residential uses. These uses will have appropriate signs, adequate lighting levels, attractive landscaping, and convenient parking areas. Special attention will be given to the location of access points and other traffic and pedestrian conditions to ensure that such businesses are operated in a safe and efficient manner. Where possible, access points, parking areas, and other common features will be combined to serve more than one business.

SECTION 11.02 PERMITTED USES

(Amended 5-29-03 - Village; 8-28-03 Township) (Amended 8-5-04 – Village; 9-2-04 Township) (Amended 11-14-11 – Village; 12-14-11 – Township)

Land and/or buildings in the C-1 District may be used for the following purposes by right:

- A. Office buildings for any of the following occupations:
 - 1. Executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional activities.
 - 2. Medical, optical, dental, and veterinary services.
- B. Banks, credit unions, savings and loan associations, and other similar uses, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises such as barber, beauty shops, massage establishments with a certified therapist, shoe repair, tailoring and dry cleaning, fitness centers, travel agencies, and other similar uses.
- D. Restaurants, excluding those with drive-through facilities.
- E. Coin operated laundries.
- F. Retail businesses of less than ten thousand (10,000) square feet gross floor area conducting business entirely within an enclosed building.
- G. Commercial, family and group day care.
- H. Parks, community buildings, and recreational facilities operated by a public, institutional, or private/nonprofit organization.
- I. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.
- J. Accessory buildings, structures, and uses for Permitted and Special Land Uses, as regulated by Section 3.08.

SECTION 11.03 SPECIAL LAND USES

(Amended 11-14-11 – Village; 12-14-11 – Township)

Land and/or buildings in the C-1 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

- A. Open air businesses, including building materials, supplies, and similar uses.
- B. Restaurants, including drive through facilities.
- C. Indoor theaters and commercial recreation centers, such as bowling alleys, skating rinks, and other similar uses.
- D. Automobile service and repair facilities.
- E. Hotels and motels.
- F. Vehicle wash establishments.
- G. Kennels.
- H. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within an enclosed building.
- I. Churches and schools.
- J. Lodges and private clubs.
- K. Commercial storage warehouses.
- L. Commercial schools.
- M. Nursing homes, homes for the aged, those State-licensed residential facilities with an approved capacity to serve more than twelve (12) persons and those facilities licensed for the care and treatment of persons released from or assigned to adult correctional facilities.
- N. Bed and breakfast inns.

SECTION 11.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required in accordance with Chapter 16.
- B. Parking is required in accordance with Chapter 17. No parking shall be permitted in the required front yard.
- C. Signs are permitted in accordance with the requirements of Chapter 17.
- D. Setbacks, height, area, and lot dimensions are required as noted below unless greater setbacks are required in this Ordinance.

C-1 DISTRICT REGULATIONS

Minimum lot area	20,000 square feet
Minimum lot width	100 feet
Maximum height	35 feet (see Section 2.03, Building Height)
Front yard setback	25 feet
Side yard setback	10 feet
Rear yard setback	25 feet
Maximum lot coverage	40%

CHAPTER 12

C-3 CENTRAL BUSINESS DISTRICT

SECTION 12.01 INTENT

This District is intended to provide a wide range of goods and services to residents of Pentwater as well as surrounding areas in a downtown setting. This District is characterized by a compact shopping area with on-street, municipal, and private parking areas. Emphasis is placed on pedestrian safety, convenient access, and ease of vehicular circulation.

SECTION 12.02 PERMITTED USES

(Amended 5-29-03 - Village; 8-28-03 Township) (Amended 8-5-04 - Village; 9-2-04 Township)

Land and/or buildings in the C-3 District may be used for the following purposes by right:

- A. Office buildings for any of the following occupations:
 - 1. Executive, governmental, administrative, professional, designers, accounting, drafting, and other similar professional and service activities.
 - 2. Medical, optical, dental, and veterinary services.
- B. Banks, credit unions, savings and loan associations, and other similar uses, excluding those with drive-through facilities.
- C. Personal service establishments conducting services on the premises such as barber, beauty shops, massage establishments with a certified therapist, shoe repair, tailoring and dry cleaning, fitness centers, travel agencies, and other similar uses.
- D. Reserved for future use
- E. Restaurants, excluding those with drive-through facilities.
- F. Coin operated laundries.
- G. Commercial day care.
- H. Parks, community buildings, and recreational facilities operated by a public, institutional, or private/nonprofit organization.
- I. Retail businesses of less than ten thousand (10,000) square feet gross floor area conducting business entirely within an enclosed building.
- J. Accessory buildings, structures, and uses for Permitted and Special Land Uses, as regulated by Section 3.08.

SECTION 12.03 SPECIAL LAND USES

Land and/or buildings in the C-3 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

- A. Hotels and motels, including accessory uses, such as restaurants, gift shops, meeting rooms, and banquet facilities.

- B. Banks, credit unions, savings and loan associations, and other similar uses with drive-through facilities.
- C. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within an enclosed building.
- D. Automobile service and repair facilities.
- E. Parking lots, public or private.
- F. Residential dwellings accessory to commercial or office uses. (15.04.2)
- G. Churches and schools.
- H. Lodges and private clubs.
- I. Indoor theaters and commercial recreation centers, such as bowling alleys, skating rinks, and other similar uses.

SECTION 12.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required in accordance with Chapter 16.
- B. Parking is required in accordance with Chapter 17.
- C. Signs are permitted in accordance with the requirements of Chapter 17.
- D. Setbacks, height, area, and lot dimensions are required as noted below unless greater setbacks are required in this Ordinance. (Amended 5-12-08 - Village; 6-11-08 Township)

C-3 DISTRICT REGULATIONS	
Minimum lot area	None required
Minimum lot width	
Maximum height	35 feet (See Section 2.03, Building Height)
Front yard setback	None required
Side yard setback	Against Residential District shall be 5 feet
Rear yard setback	Against Residential District shall be 15 feet
Maximum lot coverage	None required

CHAPTER 12A C-4 HOTEL RESORT DISTRICT

SECTION 12A.01 INTENT

The purpose of this District is to accommodate existing hotel resort facilities, oriented to the vacationing and traveling public, located in areas of existing residential uses.

SECTION 12A.02 PERMITTED USES

- A. Land and/or buildings in the C-4 District may be used for the following purposes by right:
- B. Hotels, including restaurants serving food and drink for consumption on the premises in conjunction with the hotel operation.
- C. Single family dwellings.
- D. Reserved for future use.
- E. State-licensed residential facilities and child care centers provided in a structure constructed for a residential purpose, licensed under Act 116 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended, providing care or supervision to six or less persons; but not including adult foster care facilities licensed by a State agency for care and treatment of persons released from or assigned to adult correctional institutions. (Amended 5-12-08 – Village; 6-11-08 – Township)
- F. Accessory buildings, structures, and uses for Permitted and Special Land Uses, as regulated by Section 3.08.

SECTION 12A.03 SPECIAL LAND USES

Land and/or buildings in the C-4 District may be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

None

SECTION 12A.04 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required in accordance with Chapter 16.
- B. Parking is required in accordance with Chapter 17.
- C. Signs are permitted in accordance with the requirements of Chapter 17.
- D. A solid fence or deciduous planting of not less than six (6) feet in height or more than eight (8) feet in height is required on all property lines adjoining any residential use.
- E. Setbacks, height, area, and lot dimensions are required as noted below.

C-4 District Regulations	All Uses
Minimum lot area	8,000 square feet
Minimum lot width	66 feet
Maximum height	35 feet (See Section 2.03, Building Height)
Front yard setback	17 feet
Side yard setback	6 feet
Rear yard setback	20 feet
Minimum floor area (Single family dwelling units only)	750 square feet UFA on the first floor
Maximum lot coverage	No maximum

MEMORANDUM

To Village of Pentwater Planning Commission
From: Keith Edwards, Zoning Administrator
Date: May 21, 2019
Subject: **Zoning Ordinance Update**
Discussion of Proposed Zoning Ordinance Amendments

At the April 23, 2019 Planning Commission meeting, commissioners were provided with a red-line version of a Zoning Ordinance update for review.

At this time, I recommend that the Planning Commission determine which changes can proceed to public hearing and which will require additional discussion prior to scheduling a public hearing. It may seem obvious that the more sections that can proceed to public hearing at one time, the more efficient and expedient will be the process to update the Zoning Ordinance.

I am requesting the Planning Commission schedule a public hearing on June 25, 2019 to receive public comments on all of the proposed Zoning Ordinance amendments, except the following, so that additional discussion can take place:

1. Recreational Marijuana;
2. Planned Unit Developments;
3. Commercial Zoning Districts;
4. Signs;
5. Definition of setback as we have to compare within the context of sections 3.05, 3.07 and 3.08;
6. Parking;
7. Small Wireless Communications Facilities Deployments; and,
8. Resource extraction.



VILLAGE OF PENTWATER

ON PENTWATER LAKE AND LAKE MICHIGAN
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ZONING ADMINISTRATOR'S REPORT

April 5, 2019

The following is a summary of activity conducted by the Zoning Administrator in March, 2019.

Code Enforcement - Nothing outstanding at this time.

Planning Commission

The Planning Commission met on March 26, 2019 to:

- Accept a report from the Pentwater Visioning Team (See Attachment).
- Consider for a Zoning Ordinance Amendment to create Chapter 20 - Rezoning and Zoning Ordinance Text Amendments.
- Review of the Intent to Plan notice prior to publication, a statutory requirement for the 2020 Master Plan process.

Zoning Board of Appeals - The Zoning Board of Appeals did not meet in March.

Zoning Permits - The following Zoning Permits were issued in March, 2019:

1. 166 Carroll Street for a 98 sq. ft. addition.
2. 560 S. Hancock for a sign for a yoga studio.

Other - None

Sincerely,

Keith J. Edwards

Keith Edwards
Zoning Administrator