

# VILLAGE OF PENTWATER

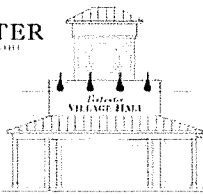
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**Planning Commission Regular Meeting  
April 23, 2024 - 6:00 P.M.  
Park Place Event Center – 310 N. Rush Street**

## 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 April 2, 2024
4. **Public Comments:** For items on the agenda.
5. **Public Hearing:** None
6. **Old Business:** None
7. **New Business:**
  - A. ZBA Ex Officio
  - B. 597 E. Sands St. Project
  - C. Future Workshops
8. **Department/Committee Reports**
  - A. Zoning Administrator – See Attached Report.
  - B. Zoning Board of Appeals – No Meeting, No Report.
9. **Public Comments**
10. **Communications from Planning Commission Members**
11. **Adjournment**

**Next Scheduled Planning Commission Meeting – May 28, 2024 at Park Place**



## Regular Meeting Minutes – April 2, 2024

Chairperson Chris Conroy called the regular meeting of the Pentwater Village Planning Commission Meeting to order at 6:00 pm, in-person at Park Place, 310 N. Rush Street, Pentwater, with the Pledge of Allegiance.

### ROLL CALL

**Present:** Kyle Jansen, Phil Frame, Ron Stoneman, Chris Conroy, Mary Marshall, and Amy Roberson.

**Absent:** None.

**Staff Present:** Katie Anderson, Zoning Administrator and Jeff Hodges, Village President.

### APPROVAL OF AGENDA

**Motion** by Stoneman, second by Roberson to approve the agenda as presented.

Voice Vote: Aye: 6    Nay: 0    Absent: 0    Motion passed.

### APPROVAL OF REGULAR MEETING MINUTES

**Motion** by Roberson, second by Jansen to approve the January 23, 2024, regular meeting minutes as presented.

Voice Vote: Aye: 6    Nay: 0    Absent: 0    Motion passed.

### PUBLIC COMMENTS FOR ITEMS ON THE AGENDA

Chris Conroy – Bruce Koorndyk was appointed to the Planning Commission on September 8, 2014 and for the last nine years he has contributed his construction expertise and planning and zoning knowledge for the betterment of our community. His service has been appreciated. When I joined the Planning Commission in 2019, he offered his support to me as a newbie and when Ron Christians resigned his role as Chair, Bruce stepped up as the Chair. His support of the volunteer research and writers of the Pentwater Community Master Plan was especially appreciated during the trying times of 2020 and 2021. Bruce's resignation letter was delivered to our Village President and was accepted at the March 11<sup>th</sup> Village Council meeting. I would like to take this opportunity to say thank you for your service to the Planning Commission and that you have given it to our community.

### PUBLIC HEARING

**Motion** by Stoneman, second by Jansen to put the Regular Meeting to rest at 6:15pm.

Voice Vote: Aye: 6    Nay: 0    Absent: 0    Motion passed.

**Motion** by Stoneman, second by Roberson to open the Public Hearing at 6:15pm.  
Voice Vote: Aye: 6    Nay: 0    Absent: 0    Motion passed.

Jeff Hodges – 347 S. Hancock St. – The thought comes to mind that if you go to 10 feet, a lot of streets the sidewalk is going to be at 10 feet. Once you go from the setback and go from the road, 10 feet in a lot of places there will be a sidewalk. The signs would be in some places in the sidewalk, 15 feet would keep it further away so we would not have a sidewalk issue. That would be a concern or an unintended consequence, that you are going to put signs in the middle of sidewalks. Most of the time sidewalks are right behind zoning. Just a thought.

Bruce Koorndyk – 412 N. Hancock St. – It has to be from the property line, so a lot of cases there are not going to be too many that would be in the sidewalk, they would be on the other side of the sidewalk.

Jeff Hodges – If it is 15 feet, but not 10 feet. If you go to 10 feet it is in the sidewalk.

Bruce Koorndyk – If it is 15 feet, it would be in the front yard.

Paula Degregorio – 270 Sands St. – Can you clarify what kind of signs you are talking about?

Katie Anderson – Zoning Administrator – read the context of Chapter 21 Signs in correlation to Ms. Degregorio’s question.

**Motion** by Marshall, second by Roberson to close the Public Hearing at 6:21pm.  
Voice Vote: Aye: 6    Nay: 0    Absent: 0    Motion passed.

**Motion** by Marshall, second by Stoneman to resume the Regular Meeting at 6:21pm.  
Voice Vote: Aye: 6    Nay: 0    Absent: 0    Motion passed.

**OLD BUSINESS**

None.

**NEW BUSINESS**

A. Text Amendment Change

**Motion** by Marshall, second by Jansen to recommend to the Village Council to approve the Text Amendment Change in Chapter 21, Section 21.09 as presented.

Discussion was held amongst the Commissioners regarding Section 20.05; key discussion points are as follows:

Mary Marshall – Asked about how this text amendment came to light.

Katie Anderson, Zoning Administrator – Stated that this was an item that was brought up over the last year in research done on updating the Zoning Ordinance after the completion of the Master Plan.

Phil Frame – Clarifying points on the text change and its correlation with Section 3.14 of the Zoning Ordinance and the clear view area.

Jeff Hodges, Village President – As the Village Manager, the Village Executive I can talk at all meetings. I am allowed, I know I am. I know that is correct and I need to throw out a point. The setbacks, can we put signs in setbacks, legal setbacks, like in the 17 feet of a corner lot? Would this preclude so that you can put a sign in the setback or would you have to go outside of the setback?

Katie Anderson, Zoning Administrator – Sign setbacks and house setbacks are not the same thing. They have different standards and signs would be based on whatever the sign setback is.

Jeff Hodges, Village President – So it could go inside the home setback?

Katie Anderson, Zoning Administrator – Yes, because the setbacks are different.

Jeff Hodges, Village President – What about the road right-of-way? Are all these signs going to be in the Village right-of-way? We are not going to be putting signs 10 feet from the property line, that is a concern that we should be aware of.

Amy Roberson – Asked about where the clear view of 10 feet comes from and its purpose.

Mary Marshall – As we have gone through Section 20.05, if anyone sees any unintended consequences in suggesting this change. The Village Council makes the final decision and I want to make sure the Planning Commission is seeing everything before we make a recommendation.

Phil Frame – Snow plowing and leaf pickup would be the only thing I could think of. If the leaves are too close to any signs.

Katie Anderson, Zoning Administrator – Explained the leaf vacs capabilities, reach and the Village standards we have set for when leaves are put out.

## **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;
  - The Planning Commission agrees that the proposed amendment is consistent with the basic intent of the Ordinance.
- B. Consistency with the goals, objectives, and future land uses of the Village of Pentwater Master Plan, including a sub-area or corridor studies;
  - The Planning Commission agrees that the proposed amendment is consistent with the Pentwater Village Master Plan.
- C. The requested amendment will correct an error and/or clarify an ambiguity in the Ordinance;
  - The Planning Commission agrees that it will clarify a discrepancy in the Ordinance.
- D. The requested amendment will resolve an inequitable situation created by the Ordinance and does not grant special privileges;
  - The Planning Commission agrees that it will not grant special privileges and the amendment will bring consistency to the Ordinance.
- E. The requested amendment will not result in unlawful exclusionary zoning;
  - The Planning Commission agrees that the requested amendment would 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;
  - The Planning Commission stated that there is documentation provided by Village Staff that there is a conflict with the specific section of the Ordinance at this time.
- G. The requested amendment will address changes in State or Federal legislation or regulations or other Village ordinances; and
  - The Planning Commission agrees that this is not applicable and the change would provide consistency to the Ordinance.
- 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.

- The Planning Commission agrees that this is not applicable and the change would provide consistency to the Ordinance.

Roll Call Vote: Yes: Marshall, Stoneman, Jansen, Frame, Roberson, and Conroy.  
No: 0                  Absent: 0

B. Nonconforming Building Review – 540 N. Hancock St.

**Motion** by Stoneman, second by Roberson to approve the home addition of the nonconforming 540 N. Hancock St., Parcel ID 64-044-580-101-90 as presented.

Roll Call Vote: Yes: Stoneman, Roberson, Jansen, Frame, Marshall, and Conroy.  
No: 0                  Absent: 0

## COMMITTEE/DEPARTMENT REPORTS

A. **Zoning Administrator** – Ms. Anderson’s written report was accepted by the Planning Commission.

B. **Zoning Board of Appeals** – No Meeting, No Report.

## PUBLIC COMMENTS

None.

## COMMUNICATIONS FROM PLANNING COMMISSION MEMBERS

Mary Marshall – I wanted to give thanks for the Planning and Zoning Essentials training, it was great and appreciated.

## ADJOURNMENT

**Motion** by Stoneman, second by Roberson to adjourn the meeting at 6:42pm.

Voice Vote: Aye: 6      Nay: 0      Absent: 0      Motion passed.

Respectfully Submitted,

Katie Anderson, Zoning Administrator

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

**MEMORANDUM**

To: Village of Pentwater Planning Commission

From: Katie Anderson, Zoning Administrator

Date: April 16, 2024

**Subject: 597 E. Sands St. Project**

**Introduction**

The property owner of 597 E. Sands St. is seeking to have two different Special Land Uses on the property. One being a Self-Service Automotive Garage and Car Wash and the second being residential housing.

A floor plan has been provided, please see attached.

The Planning Commission will need to do a Site Plan Review once all documents are provided. At this time, the Planning Commission should preview the floor plan and discuss what items are still needed and what needs to be changed on the current floor plan.

For the review, the focus will be on Chapter 12 C-3 District, Chapter 15 Special Land Uses, Chapter 16 Site Plan Review and Chapter 17 Parking.



**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) (Amended 8-5-04)

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/non-profit 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.
- 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.
- J. Marinas.
- K. Boat launches.

**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. Section 3.31 shall apply to Waterfront Lots. (Amended 9-9-2019)

<b>C-3 DISTRICT REGULATIONS</b>	
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 15 SPECIAL LAND USES

### SECTION 15.01 SCOPE

This Chapter provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the Village as a whole. The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the applicant, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the Village of Pentwater. For purposes of this Ordinance, all Special Land Uses within the various districts are subject to the conditions and standards of this Chapter. In addition, the following uses shall conform to the specific standards cited in Section 15.04, as applicable.

### SECTION 15.02 APPLICATION AND REVIEW PROCEDURES

(Amended 8-5-04)

- A. An application shall be submitted through the Clerk, accompanied by:
  - 1. the payment of a fee as established by the Village Council;
  - 2. a completed application form, as provided by the Village; and
  - 3. a complete site plan in ten (10) copies, as specified in Chapter 16.
- B. Applications for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting at which the application is to be considered.
- C. The completed application, along with the required site plan, shall be forwarded to the Planning Commission at its next scheduled meeting.
- D. The Planning Commission shall hold a public hearing on the application, providing notice of such hearing is in accordance with the Zoning Act. The Planning Commission shall then review the application and such other information available to it through the public hearing or from any other sources, including recommendations or reports from the Village's planner, engineer, or other party, and shall approve, approve with conditions, or deny the request, and incorporate the basis for the decision and any conditions which should be imposed.
- E. No petition for Special Land Use approval, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might reasonably result in favorable action upon resubmittal.
- F. A Special Land Use approved pursuant to this Chapter shall be valid for one (1) year from the date of approval. Each development shall be under construction and show substantial progress toward completion or begin operation of the approved activity within one (1) year after the date of approval of the Special Land Use, except as noted below.

1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests the extension prior to the date of the expiration of the Special Land Use approval.
  2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the Special Land Use approval shall be null and void.
- G. The Planning Commission shall have the authority to revoke any Special Land Use approval after it has been shown that the holder of the approval has failed to comply with any of the applicable requirements of this Chapter, other applicable sections of this Ordinance, or conditions of the Special Land Use approval. Prior to any action, the Planning Commission shall conduct a public hearing following the notification procedures for the original approval.

#### **SECTION 15.03 GENERAL STANDARDS**

- A. In addition to the standards established for specific uses herein, an application for a Special Land Use shall be reviewed for compliance with the review standards for approval of site plans in Section 16.08 hereof, and conditions, as authorized and governed by Section 16.09 may be placed upon a Special Land Use.
- B. Each application shall be reviewed for the purpose of determining that the proposed Special Land Use meets the following standards and, in addition, that each use of the proposed site will:
1. be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;
  2. be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities;
  3. not create excessive additional requirements at public cost for public facilities and services; and
  4. not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons or property in the vicinity, or the general welfare, by reason of excessive effects of traffic, noise, smoke, fumes, glare, or odors or other effects determined relevant by the Planning Commission.
- C. The Planning Commission may stipulate such additional conditions and safeguards deemed necessary to accomplish the following purposes. Failure to comply with such conditions may result in the revocation of the Special Land Use approval, pursuant to Section 15.02.G.

**SECTION 15.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS**

The general standards and requirements of Section 15.03.B, are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

**A. Adult Uses.**

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. Adult uses shall comply with the following requirements:
  - a. The adult use shall not be located within a one thousand (1,000) foot radius of any other such use or be located on a lot or parcel within five hundred (500) feet of a public park, school, child care facility, church, or place of worship.
  - b. Any sign or signs proposed for an adult use must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
  - c. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two (2) inches in height, that:
    - (1) "Persons under the age of 18 years are not permitted to enter the premises." and,
    - (2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
  - d. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
  - e. All off-street parking areas shall be illuminated from at least ninety (90) minutes prior to sunset to at least sixty (60) minutes after closing.
  - f. No adult use shall be open for business prior to ten o'clock a.m. (10:00 a.m.), nor after ten o'clock p.m. (10:00 p.m.). However, employees or other

agents, or contractors of the business may be on the premises at other hours for legitimate business purposes such as maintenance, preparation, record keeping, and similar purposes.

- g. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission. All massage clinics are subject to inspection from time to time by the Zoning Administrator and shall be required to file reports as may be required by the Village, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.
- h. Establishments where uses subject to the control of this subsection are located shall not be expanded in any manner without first applying for and receiving the approval of the Planning Commission, as provided herein.

B. Bed and breakfast establishments, (Amended 5-12-08)

- 1. The establishment shall be serviced by approved water and sanitary sewer services.
- 2. The establishment shall be located on property with direct access to a paved public road.
- 3. Such uses shall only be established in a detached single-family dwelling.
- 4. Parking is required in accordance with Chapter 17 and shall be defined as such for guest parking and it shall be located to minimize negative impacts on adjacent properties.
- 5. The lot on which the establishment is located shall meet the minimum lot size requirements of the zone district.
- 6. The total number of guest rooms in the establishment shall not exceed seven (7), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed a total of ten (10) guest rooms.
- 7. Exterior refuse storage facilities beyond what might normally be expected for a detached single-family dwelling shall be screened from view on all sides by a six (6) foot solid, decorative fence or wall.
- 8. One (1) sign shall be allowed for identification purposes. Such sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, such illumination shall only be of an indirect nature; internally lighted signs are not permitted. Such sign shall be set back at least one-half (½) of the front yard setback area setback of the zoning district in which the use is located and shall be located at least fifteen (15) feet from any side or rear lot line.
- 9. The establishment may contain the principal residence of the operator; however under no circumstance may an off-site principal residence of the operator be located outside the village limits.

10. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and other similar uses except Accessory Food Service operations.
  11. Meals may be served only to the operator's family, employees, and overnight guests except Accessory Food Service operations.
- C. Bulk oil and gasoline distribution (including warehousing and transport facilities).
1. The minimum lot size shall be five (5) acres.
  2. The lot shall be located so that at least one (1) side abuts an arterial street and all access shall be from such arterial street.
  3. The main and accessory buildings and any storage facilities shall not be located nearer than three hundred (300) feet to a property line of any adjacent Residential District or use.
  4. Proper containment facilities shall be constructed to ensure that accidental spills or ruptures will not cause the contamination of any groundwater source.
- D. Commercial storage warehouses.
1. Minimum lot area shall be two (2) acres.
  2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-family detached dwelling in the R-1 District.
  3. One (1) parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
  4. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
  5. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum required ten (10) spaces, to be located adjacent the rental office, for the use of customers.
  6. Parking lanes and access aisles adjacent the individual storage facilities shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.
  7. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.
- E. Funeral homes and mortuary establishments.
1. Minimum lot area shall be one (1) acre with a minimum width of one hundred and fifty (150) feet.
  2. A well designed and landscaped off-street vehicle assembly area shall be provided to be used in support of funeral procession activity. This area shall not obstruct internal circulation within the required off-street parking area or its related maneuvering space.
  3. A caretaker's residence may be provided within the principal building.

4. The proposed site shall front upon a paved public street. All ingress and egress shall be from said thoroughfare.
- F. Child Care Centers, Day Care, Group Day Care Homes, Nursing Homes and other Care Facilities (Amended 5-12-08)
1. Requirements for 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:
    - a. *Lot size.* The lot size shall be not less than the minimum lot size applicable in the district in which the facility is located.
    - b. *Parking.* Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
    - c. *Fire Chief and Health Department Approvals.* The facility shall be subject to the approval of the Township fire chief and subject to all State and county health department requirements.
    - d. *Fencing.* All outdoor play areas shall be enclosed by a chain link fence or solid fence of at least four feet in height, which shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet.
    - e. *Operating Hours.* Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
    - f. *Property Appearance.* The property shall be maintained consistent with the visible characteristics of the neighborhood.
    - g. *Signs.* Signs shall conform to the sign regulations applicable in the district in which the facility is located.
    - h. *Licensing.* The facility shall be registered and licensed under Act 16 of the Public Acts of 1973 or Act 218 of the Public Acts of 1979, as amended.
    - i. *Outdoor Play Area.* A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be

- screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.
- j. *Refuse Collection.* All refuse collection facilities shall be screened from view by adequate fencing.
  - k. *Distance between Facilities.* A home or facility seeking approval under this section shall not be located within 1,500 feet of any existing child care center, group home or other facility described in this section.
2. Requirements for nursing homes, homes for the aged and those State licensed residential facilities serving more than 12 persons permitted as special land uses under Section 5.03.F (R-1 District), Section 6.03.E (R-2 District), Section 7.03.F (R-3 District) and Section 10.03.H (C-1 District). A facility under this section may be permitted in the foregoing districts if the following conditions are satisfied:
- a. *Lot Size.* The minimum lot size shall be calculated by multiplying the number of persons approved for capacity of the facility by 5,000 square feet, but in no event shall the minimum lot size be less than two acres.
  - b. *Parking.* Parking shall conform to the parking regulations applicable in the district in which the facility is located. The facility shall have no less than one parking space for each owner/operator and one parking space for every two persons being served (based on approved capacity).
  - c. *Setbacks.* No part of the facility building or buildings may be closer than 100 feet to an adjacent lot line; except that the Planning Commission may reduce this setback requirement to not less than 25 feet if it finds that such reduction in the setback will not be injurious to the use or enjoyment of nearby properties; will not result in traffic or other safety hazards; and will not materially impair the intent and purpose of this ordinance or the public's interest. In modifying such setback requirements, the Planning Commission may attach conditions regarding the location, character, landscaping or treatment of the buildings or premises or other such matters as are reasonably necessary to the furtherance of the intent and spirit of this ordinance and the public's interest.

- d. *Building Size.* The building must provide for each tenant, elderly or retired person or minor in the building or buildings so used a minimum floor area exclusive of basement or attic space of 250 square feet.
- e. *Fire Chief and Health Department Approvals.* The facility shall be subject to the approval of the Township fire chief and subject to all State and county health department requirements.
- f. *Property Appearance.* The property shall be maintained consistent with the visible characteristics of the neighborhood.
- g. *Signs.* Signs shall conform to the sign regulations applicable in the district in which the facility is located.
- h. *Licensing of Facilities.* Homes for the aged shall be registered and licensed as required under Part 213 of the Public Health Code, MCL 333.21301 *et seq.*, as amended. Nursing homes shall be registered and licensed as required under Part 217 of the Public Health Code, MCL 333.21701 *et seq.*, as amended.
- i. *Refuse Collection.* All refuse collection facilities shall be screened from view by adequate fencing.
- j. *Operating Hours.* Operating hours of any facility providing day care shall not exceed 16 hours during any 24-hour period, and unless specifically approved by the Planning Commission based upon a finding under particular circumstances of no negative impact on neighboring properties or the surrounding area, shall be limited from 6 a.m. to 10 p.m. daily.
- k. *Outdoor Play Area.* A child care center or other facility offering services to more than six minors shall provide and maintain an outdoor play area of not less than 5,000 square feet. The area shall be free from sharp gravel, glass or cinder and shall be well drained. The outdoor play area shall be completely enclosed by a chain link fence or a solid fence of at least four feet in height and shall be screened from any abutting residential use by vegetation having a height when planted of at least five feet. In its discretion, the Planning Commission may permit an outdoor play area of less than 5,000 square feet if it is demonstrated that such minimum is not necessary to preserve the residential character of the property. In making this determination, the Planning Commission shall consider the amount of outdoor play area proposed, the number of children, the hours of operation and the type of recreational activities provided indoors and outdoors.



- f. The child care facility shall be registered and licensed as required for “child care centers” or “day care centers” under the Child Care Organizations Act (Act 116 of the Public Acts of 1973, as amended).
  4. **Planning Commission Modifications.** The Planning Commission may modify the requirements of this Section 15.04.F in circumstances where it determines that the facility as modified will be harmonious with the character of the neighborhood and will not have a negative impact on or injure nearby properties or the use and enjoyment of nearby properties. The Planning Commission may impose reasonable conditions in connection with any such modifications.
- G. Hotels and motels.
1. Minimum lot area shall be two (2) acres and minimum lot width shall be two-hundred (200) feet.
  2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet, except that such uses located on waterfront lots shall maintain a rear yard setback of at least twenty (20) feet.
  3. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
- H. Intensive livestock operations.
1. Minimum lot area shall be forty (40) acres.
  2. Any part of the operation, including storage pens, manure storage, feeding areas, and other similar activity areas shall be set back a minimum of five hundred (500) feet from the property lines of an adjacent Residential District or use, or a standing body of water, or flowing stream.
  3. No direct runoff from any part of the proposed operation shall be permitted to flow onto any adjacent property.
  4. All buildings, structures, enclosed areas, and storage areas for animals or animal waste associated with the operation shall be located at least one hundred (100) feet from a water well.
  5. No livestock waste shall be discharged, allowed to seep or otherwise be released into any surface water or groundwater.
  6. Manure and urine storage facilities must be of a sufficient capacity, design and maintenance to store all animal waste until such time as such waste can be transported and/or used as fertilizer. Storage facilities for manure and related waste must be designed, sited, constructed, maintained and operated so as to prevent any escape of livestock waste which may cause pollution or degradation of any surface water, groundwater or soil and be constructed and operated in accordance with an approved Animal Waste Management Plan, as required by this subsection.
  7. Field storage of manure shall be sited and contained so as not to cause pollution or degradation of surface water, groundwater or soil.

8. No such operation shall be permitted where any lot line is within one thousand (1,000) feet of another intensive livestock operation's lot line.
  9. Site plans shall be submitted in accordance with the requirements of Chapter 16 and contain the following additional information:
    - a. Locations of principal buildings, manure storage areas, drainage, and truck loading/unloading areas and other areas where accessory activities may be conducted.
    - b. Separation distances between all facilities and uses associated with the Confined Feed Lot and: adjacent property lines; on-site water wells; private homes; and any water body or flood plain, including wetlands, streams, or designated county drains.
  10. Animal Waste Management Plan: Upon commencement or expansion of an intensive livestock operation, the owner of the operation shall submit a written Animal Waste Management Plan (herein referred to as "the Plan") prepared and signed by a professional agrologist, a person certified to develop such plans (e.g., the Certified Crop Advisor Program of the American Society of Agronomy), or a qualified State agency official (e.g., cooperative extension agent). The Plan shall be prepared using generally accepted agricultural and management practice guidelines including but not limited to adopted procedures prepared by the Michigan Agricultural Commission, Natural Resource Conservation Service (Field Office Technical Guide), and Cooperative Extension Service (Resource Notebook). Such Plan shall be submitted as part of the Special Land Use application and include and conform to the following narrative description including necessary drawings and/or diagrams as applicable:
    - a. Runoff control and wastewater management methods (for all areas where livestock density precludes sustaining vegetative growth on the soil).
    - b. Design, construction, operation, and maintenance methods for the treatment, storage and transportation of animal waste.
    - c. Method and quantities of manure utilization for crop production based on crop nutrient needs and soil nutrient levels.
    - d. Specifications on how excess manure that cannot be used for crop nutrients or another beneficial purpose will be treated to minimize environmental threats.
- I. Junk yards and salvage yards.
1. Requests for a Special Land Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
  2. The site shall be provided with suitable access to a paved County Primary street to ensure safe, direct transport of salvage to and from the site.

3. No portion of the storage area shall be located within two hundred (200) feet of any Residential District or use property line.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be continuously maintained in good condition and shall contain only incidental signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet the applicable building setback requirements.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. Minimum site size for such facilities shall be six (6) acres.
14. All fences shall be setback a minimum of fifty (50) feet from any Residential District or use property line.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to between the hours of 8:00 a.m. and 6:00 p.m.
16. The Planning Commission may impose other conditions, such as greenbelts, landscaping, and other items, which have a reasonable relationship to the health, safety and general welfare of the Village. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

## J. Kennels.

1. The minimum lot size shall be two (2) acres.
2. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent occupied dwelling or any adjacent building used by the public.
3. All principal use activities, other than outdoor dog run areas, shall be conducted within a totally enclosed main building, and shall be escape proof to the extent possible.

## K. Marinas.

1. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
2. No building, structure, dock, or parking area which is part of marina or boat launch area shall be located closer than five (5) feet to any lot line, except the setback shall be thirty-five (35) feet to any lot in the R-R and R-1 Districts.
3. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
4. There shall be no less than one (1) parking space provided for every boat slip.
5. Buildings shall be designed to minimally obstruct water views.

## L. Multiple family dwellings.

1. All buildings and dwelling units shall comply with the applicable provisions of Section 7.04.
2. Boat docks shall be reviewed to assure there is adequate parking, safe boat navigation lanes and controls sufficient to assure that only residents and guests are permitted to use the docks. No portion of the dock shall be within the side yard setbacks, as extended along bottomland ownership boundaries.
3. Parking areas shall have a minimum front yard setback of twenty (20) feet and minimum side and rear yard setbacks of ten (10) feet.
4. Access driveways shall be located no less than fifty (50) feet from the nearest part of the intersection of any street or any other driveway.
5. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.

## M. Open air businesses.

1. Minimum lot area shall be one (1) acre.
2. Minimum lot width shall be two hundred (200) feet.
3. Except in the R-R District, the Planning Commission may require a six (6) foot fence or wall to be constructed along the rear and/or sides of the lot to keep trash, paper, and other debris from blowing off the premises.
4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.

5. The Planning Commission may require the applicant to furnish a performance bond in accordance with the requirements of this Ordinance to insure strict compliance with any regulation contained herein and required as a condition of Special Land Use approval.
  6. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.
  7. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
  8. All lighting shall be shielded from adjacent residential areas.
  9. Except as noted in 10, below, no display area shall be located within ten (10) feet of a road right-of-way line.
  10. In the case of a plant materials nursery:
    - a. Any storage or display areas shall meet all the yard setback requirements applicable to any main building in the District.
    - b. All loading activities and parking areas shall be provided on the same premises (off-street).
    - c. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
- N. Boat launches. This section applies to all boat launches except a private boat launch for use only by the person residing on the premises and guests of the waterfront access parcel upon which such a boat launch is located. A waterfront access parcel is defined in Section 3.31. A boat launch that is leased, rented or otherwise made available for compensation is not a private boat launch and shall be subject to this section.
1. The boat launch site shall contain no more than one (1) ramp and be at least one (1) acre in size. One (1) additional ramp may be permitted for each one (1) acre, or fraction thereof.
  2. There shall be no above ground storage of gasoline, fuel oil, or other flammable liquids or gases.
  3. No building, structure, dock, or parking area which is part of a boat launch area shall be located closer than five (5) feet to any lot line, except the setback shall be thirty-five (35) feet to any lot in the R-R and R-1 Districts.
  4. Parking facilities shall not be used for the overnight storage of boats, trailers, or other vehicles.
  5. A minimum of ten (10) parking spaces shall be provided. If, after evaluation of the site, it is found by the Planning Commission that parking will be inadequate to satisfy user demand, the Planning Commission may require additional parking.
  6. A seventy-five (75) foot vehicle turn-around shall be provided.
  7. Restroom and changing room facilities shall be provided.
  8. Trash or dumpster facilities shall be installed, screened and regularly maintained.

9. Fish cleaning or disposal only if facilities specifically designated for that purpose are provided.
- O. Public or private campgrounds.
1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
  2. Public stations, housed in all-weather structures, containing adequate water outlet, waste container, toilet and shower facilities shall be provided.
  3. No commercial enterprise shall be permitted to operate on the lot, except that a convenience shopping facility may be provided on a lot containing more than eighty (80) sites. Such convenience store, excluding laundry and similar ancillary uses, shall not exceed a maximum floor area of one thousand (1,000) square feet.
  4. Each lot shall provide hard-surfaced, dust-free vehicle parking areas for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for tent camping).
  5. Each site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back at least seventy-five (75) feet from any public or private right-of-way or property line.
  6. Each travel trailer site shall have direct access to a hard-surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road.
  7. Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the County drain system, subject to approval by the Drain Commissioner of Oceana County.
  8. All sanitary facilities shall be designed and constructed in strict conformance to all applicable County health regulations.
  9. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
- P. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
1. No soil, sand, gravel, or other earth material shall be removed from any land within the Village without Special Land Use approval, with the following exceptions:
    - a. When the earth removal is incidental to an operation for which a building permit has been issued by the Village;
    - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects;
    - c. The earth removal will not alter predominate drainage patterns or cause drainage impacts to adjoining properties;

- d. The earth removal involves less than three hundred (300) cubic yards;
  - e. The earth removal is for the purpose of construction of a swimming pool.
  - f. The soil removal will not be in violation of any other section of this ordinance, other Village ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law.
2. In addition to the materials required by this Chapter, the application for Special Land Use approval shall include the following:
- a. A written legal description of all of the lands proposed for the use.
  - b. Eight (8) copies of a plan for mineral removal, drawn and sealed by a registered civil engineer, and including the following:
    - (1) A north arrow, scale, and date;
    - (2) shading indicating the extent of land area on which mineral removal operations and activities will take place;
    - (3) the location, width, and grade of all easements or rights-of-way on or abutting the lands;
    - (4) the location and nature of all structures on the lands;
    - (5) the location and direction of all water courses and flood control channels which may be affected by the mineral removal operations;
    - (6) existing elevations of the lands at intervals of not more than five (5) feet;
    - (7) typical cross sections showing the estimated extent of overburden, estimated extent of mineral material location in or on the lands, and the water table;
    - (8) mineral processing and storage areas;
    - (9) proposed fencing, gates, parking areas, and signs;
    - (10) roads for ingress to and egress from the lands, including on-site roads, other areas to be used for movement of vehicles and a description of the proposed measures to limit dust generated by mineral removal activities and movement of vehicles;
    - (11) a map showing access routes between the subject lands and the nearest County Primary Arterial road; and
    - (12) areas to be used for ponding.
  - c. A narrative description and explanation of the proposed mineral removal operations and activities; including the date of commencement, proposed hours and days of operation, estimated by type and quantity of mineral materials to be removed, description of extraction and processing methods, including proposed equipment and the noise rating of each type thereof, and a summary of the procedures and practices which will be used to ensure compliance with the conditions of this subsection.

- d. A site rehabilitation plan including the following:
    - (1) A description of planned site rehabilitation and end-use(s), including methods of accomplishment, phasing, and timing;
    - (2) a plan showing final grades of the lands as rehabilitated, at contour intervals not exceeding five (5) feet; water courses, ponds, or lakes, if any; landscaping and plantings; areas of cut and fill; and all of the components of the proposed end-use(s); and
    - (3) a description of the proposed methods or features which will ensure that the end-use(s) are feasible and will comply with the Pentwater Village Master Plan and all applicable requirements of this Ordinance.
  - e. The Planning Commission may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of such extraction if it is believed that the extraction may have an adverse impact on natural topography, drainage, water bodies, floodplains, or other natural features.
3. Each site rehabilitation plan shall be reviewed by the Planning Commission and shall comply with all of the following standards and requirements:
- a. Topsoil shall be replaced on the site to a depth of not less than six (6) inches, except where the end-use activities or features do not involve the planting of lawns or growing of vegetation. Slopes shall be graded and stabilized to such extent as will accommodate the proposed end-use. The plan shall indicate the phasing of site rehabilitation, if the same is to take place in phases, and if so, topsoil shall be replaced and slopes shall be graded and stabilized before mineral removal operations or activities are commenced in another area of the site.
  - b. Final slopes shall have a ratio of not more than one (1) foot of elevation to three (3) feet of horizontal distance.
  - c. Plantings of grass, shrubs, trees, and other vegetation shall be made so as to maximize erosion protection, screen less attractive areas of end-uses, and enhance the beauty of the site as rehabilitated.
4. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublaterals support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any Residential District.
5. The Planning Commission shall approve routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to nearby properties. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.

6. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
7. During activities and operations for the removal of mineral material, no mineral material or other excavated materials shall be left during weekends or overnight in such condition or manner as to constitute a danger to children or others who may enter the removal areas. All banks of excavated material shall be graded to slopes having a vertical to horizontal ratio of not greater than one (1) foot of elevation for each two (2) feet of horizontal distance, after the cessation of daily operations, provided, however, that the Planning Commission may allow some lesser daily grading requirement if the applicant provides a substantially constructed and maintained welded wire fence, or fence of equally substantial material, of at least four (4) feet in height, so located that any slopes steeper than one (1) foot of elevation for each two (2) feet of horizontal distance cannot inadvertently be approached by any persons who may enter the removal area.
8. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this subsection. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation, and fuel loading and storage requirements.
9. An applicant for a permit shall submit a performance bond in accordance with the requirements of this Ordinance, naming the Village of Pentwater as the insured party and conditioned upon the timely and faithful performance by the applicant of all of the terms and conditions of the permit. The bond shall have such other terms and shall be in such amount as is recommended by the Planning Commission as reasonably necessary to ensure compliance with all of the terms and conditions of this subsection and the permit.
  - a. The performance bond shall not be refunded, reduced, or transferred until the mineral removal operations and activities, land reclamation or restoration, and all other required activities have received final inspection by the Zoning Administrator and until the Planning Commission has determined that the applicant, or its successor, has fully complied with all of the terms, conditions, site rehabilitation and restoration requirements, and all other matters required of the applicant under the terms of the permit.
  - b. The timely and faithful compliance with all of the provisions of the performance bond shall be a condition of any mineral removal operations. In the absence of any such compliance with the terms of the performance bond, or if the same is revoked or it expires or is not renewed, the Planning Commission need not approve the renewal of any permit, even if the applicant has otherwise complied with all other terms and provisions of the current permit.

- Q. Residential dwellings accessory to commercial or office uses. (Amended 8-5-04)
1. The gross floor area for all residential units shall not exceed twice the gross floor area of the commercial or office uses to which they are accessory.
  2. Residential dwelling units shall meet the minimum floor area requirements applicable to such units in the R-3 District.
  3. Separate parking facilities will be provided for all such dwelling units in accordance with the requirements of Chapter 17.
- R. Restaurants with drive-through facilities.
1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way with a minimum of ten (10) stacking spaces. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property by vehicles not using the drive-through facility.
  2. In addition to parking space requirements, at least three (3) parking or waiting spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
  3. Any paved area shall have minimum side and rear yard setback of twenty (20) feet.
  4. Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.
  5. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.
- S. Retail building supplies.
1. Minimum lot width shall be two hundred (200) feet.
  2. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.
  3. All lighting shall be shielded from adjacent Residential Districts or uses.
  4. The storage or materials display areas shall meet all the yard setback requirements applicable to any main building in the District.
- T. Retail businesses of ten thousand (10,000) square feet gross floor area or greater conducting business entirely within an enclosed building
1. Public access to the site shall be located at least one hundred (100) feet from any public or private street intersection and not less than fifty (50) feet from the nearest part of any other driveway, as measured from the nearest right-of-way line to the nearest edge of said access.

2. Any principal building shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
  3. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  4. No mechanical rooms or loading area shall be located nearer than fifty (50) feet to any Residential District or use property line.
- U. Theaters (indoor) and commercial recreation centers, such as bowling alleys, skating rinks, and other similar uses.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use.
  2. Main buildings shall be set back a minimum of one-hundred (100) feet from any Residential District or use.
  3. For uses exceeding a seating capacity of two-hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity, and access on adjacent and nearby streets which are likely to provide access to the site.
  4. Access driveways shall be located no less than one hundred (100) feet from the nearest part of the intersection of any street or any other driveway.
- V. Commercial or Public Poles and Towers and Certain Non-Commercial Poles and Towers (Amended 12/8/08)

Commercial or public poles and towers for communications, radio or television, unless exempt under other provisions of this Ordinance, and non-commercial or non-public poles and towers subject to special land use approval, may be approved by the Planning Commission as a special land use upon compliance with all of the following requirements:

1. Any such pole or tower shall be permanently secured to a stable foundation. It shall be grounded to protect against damage from lightning.
2. No signs or other written or graphic matter not related to safety or hazard warnings shall be permitted on any part of the tower or associated equipment or buildings, except that a name identification sign may be located on an associated building.
3. Any such pole or tower shall be located only in a rear yard or side yard, unless otherwise permitted by the Planning Commission. It shall not be closer to a property line than its height, unless a lesser setback is permitted by the Planning Commission.
4. A commercial or public pole or tower, including accessory buildings or structures, shall be fully enclosed by a sturdy fence, securely gated, and shall have such height as reasonably determined by the Planning Commission, unless it is exempt under Section 3.35.

5. The pole or tower shall not be located, constructed or used so as to have a serious adverse effect on adjacent or nearby land uses.
6. The pole or tower and the construction, installation, operation, maintenance and repair thereof shall comply with all federal, state and local laws, ordinances and regulations.
7. Poles and towers for commercial or public telecommunications services, including cellular telephone antennas and towers, shall unless otherwise exempt comply with all of the following requirements:
  - a. Telecommunications antennas may be required by the Planning Commission to be located on an existing approved tower or other structure if such location is reasonably feasible and practical, in the opinion of the Planning Commission, based upon the facts concerning the existing tower, the area to be served by the proposed antenna and other relevant factors. The applicant shall submit information regarding existing towers within the Village, and within two miles of the proposed tower location, together with such additional information as may be required by the Planning Commission so as to enable the Planning Commission to evaluate the proposed location and the availability of other locations. It is the intent and desire of the Village to minimize the number of towers located within the Village and the intrusion of such towers upon adjacent land uses. The practice of co-locating facilities and using existing structures shall be encouraged and the proliferation of additional towers shall be discouraged, except where necessary to provide effective coverage.
  - b. A proposed tower for telecommunications services may be required to be designed, constructed and placed so as to accommodate both the applicant's equipment and also equipment for at least four additional users. The Planning Commission may require that such towers be designed and constructed so as to allow for the future rearrangement of equipment upon the tower, and to accept equipment mounted at varying heights on the tower.
  - c. Towers for telecommunications services shall be designed so as to blend, insofar as possible, into the surrounding environment, through the use of color of equipment and architectural treatment, except in those cases where color or treatment may be dictated by state or federal agencies. Such towers shall be of a monopole design unless the Planning Commission determines that an alternative design would be satisfactory.
  - d. The Planning Commission may require that telecommunications towers not be illuminated, unless required by state or federal agencies having jurisdiction.
  - e. The Planning Commission may require that telecommunications towers, or other related structures or buildings, be screened with landscaping, berms, walls or a combination of any of them.
  - f. Towers for telecommunications services which are abandoned or unused shall be removed, along with any associated buildings, structures, equipment, foundations, pads and anchors. The property shall be restored to a good

- usable condition. Such removal and restoration shall be completed within six months of the ceasing of operations, unless a time extension is granted by the Zoning Administrator. One time extension, of up to six months, shall be permitted if the Zoning Administrator determines that the owner or former operator of the facility is taking active steps to accomplish its removal.
8. If a co-located antenna or antenna array is proposed on an approved tower or an additional building, equipment shelter or other structure to be used for or associated with additional antenna or antenna array are proposed, the addition of the antenna, antenna array or building or equipment shelter shall be subject to site plan review by the Zoning Administrator. The standards for site plan review and approval as stated in Section 16 shall apply, but no public hearing or special public notice shall be required. The Zoning Administrator may impose reasonable conditions upon such site plan review and approval. The Zoning Administrator may elect to refer any such site plan review to the Planning Commission for consideration.
  9. The Planning Commission in its reasonable discretion may impose other terms and conditions regulating the construction, installation, use, maintenance, repair and removal of any such antenna or tower. Such other terms and conditions may include, though need not be limited to, the following:
    - a. The screening or buffering of a pole or tower and any accessory buildings or structures.
    - b. The timely removal of unused or unsafe poles or towers or accessory buildings or structures.
    - c. The prohibition on the construction or occupancy of dwellings or other buildings or the construction and use of other structures on the lands where the pole or tower is located, or within a specified isolation distance from the pole or tower.
    - d. The preservation of existing trees and other existing vegetation not required to be removed for installation of a pole or tower; the reasonable restoration of trees or other vegetation removed or destroyed during the construction or installation of a pole or tower or accessory buildings or structures.
  10. This section shall also apply to other poles and towers that are not otherwise provided for in this Ordinance and that are not exempt under other provisions hereof.
  11. Where the effect of any of the provisions of this section would be to prevent or no more than the minimum practicable regulations necessary to accomplish the preclude the operation of amateur radio antennas (being antennas operating for the purpose of receiving or transmitting communications by a radio station described in Section 153(q) of Title 47 of the U.S. Code) and licensed by the Federal Communications Commission, such amateur radio antenna may be approved by the Planning Commission as a special land use if it is reasonably demonstrated that the application of any of the provisions of this section would be to preclude or prevent the operation of such amateur radio antenna. In granting any such special land use

for an amateur radio antenna, the Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable accommodation of amateur radio communications and such conditions, if any, shall be the Village's legitimate purposes in regulating such amateur radio antennas.

W. Truck and freight terminals.

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a paved County Primary street. The ingress and egress for all vehicles shall be directly from said thoroughfare.
3. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
4. The parking and maneuvering areas of the site shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.

X. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires, and underground utility systems.

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the yard setback requirements for main buildings of the District in which it is located.

Y. Vehicle service stations, excluding body shops.

1. Minimum lot area shall be fifteen thousand (15,000) square feet.
2. Minimum lot width shall be one hundred (100) feet.
3. All buildings, structures, and equipment shall be located not less than fifty (50) feet from any right-of-way line and not less than fifty (50) feet from any side or rear lot line abutting a Residential District.
4. No more than one (1) curb opening shall be permitted for every seventy-five (75) feet of frontage (or major fraction thereof) along any street, with a maximum of one (1) per street when located on a corner lot, and two (2) for any other street.
5. No drive or curb opening shall be located nearer than seventy-five (75) feet to any intersection nor more than twenty-five (25) feet to any adjacent Residential District property line. No drive shall be located nearer than fifty (50) feet, as measured along the property line, to any other driveway. A driveway shall not be permitted where, in the opinion of the Planning Commission, it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
6. A raised curb of six (6) inches in height shall be constructed along the perimeter of all paved and landscaped areas.
7. The entire lot, excluding the area occupied by a building, shall be hard-surfaced with a concrete or bituminous surface. All areas not paved or occupied by buildings or structures shall be landscaped.

8. All lubrication equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifty (50) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.
  9. When adjoining residentially zoned property parking and storage areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
  10. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot sight-obscuring wall or fence. No such outside storage area shall exceed an area of two hundred (200) square feet. Outside parking of disabled, wrecked, or partially dismantled vehicles (not to exceed a maximum of five (5) such vehicles) shall not be permitted for a period exceeding ten (10) days.
  11. The rental of trucks, trailers, and any other vehicles on the premises is expressly prohibited without specific approval by the Planning Commission. If such use is permitted, proper screening, landscaping, and additional parking area shall be provided in accordance with the requirements set forth by the Planning Commission.
  12. The lot shall be located such that it is at least three hundred (300) feet from an entrance or exit to any property on which is situated a public library, public or private school, playground, play field, park, church or hospital.
  13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.
  14. On a corner lot, both street frontage sides shall be subject to all the applicable front yard provisions of this Ordinance.
  15. Where applicable, vehicle queuing space shall be provided in front of each service bay for at least two (2) vehicles.
- Z. Vehicle wash establishments, either self-serve or automatic.
1. All washing activities must be carried on within a building.
  2. Vacuuming activities may not be conducted in any required yard.
  3. Sufficient space shall be provided to accommodate all vehicle queuing on the property, so no vehicles are required to wait on an adjoining street to enter the site.
- AA. Veterinary hospitals and animal clinics.
1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public,
  2. No dog runs and/or exercise areas shall be located in any required front, rear or side yard setback area.

**BB. Utility Grid Wind Energy Systems (tower height of at least 66') (Amended 12/8/08)**

1. **Construction Codes and Other Standards.** Utility Grid wind energy systems including anemometer towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Utility Grid wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and airport overlay zone regulations.
2. **Safety.** A Utility Grid wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have an automatic transfer switch. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly marked with brightly colored tubing to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
3. All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
  - a. Fences with locking portals at least six (6) feet high;
  - b. Anti-climbing devices twelve (12) feet from base of pole;
4. Tubular towers are required.
5. "Up wind turbines" are required.
6. **Visual Impact.** Visual appearance and its impact on nearby dwellings will be limited by using muted colors, industry standard that minimizes visibility, and by using turbines that are consistent in their appearance. No advertising of any kind shall be allowed on the wind turbine.
7. **Setbacks.** The distance between a wind energy system structure and the owner's property lines shall be at least 1-½ times the height of the wind energy system tower including the top of the blade in its vertical position. No part of the wind energy system structure, including guy wire anchors, may extend closer than 25 feet to the owner's property lines.
8. The certified registered engineer and authorized factory representative shall certify that the construction and installation of the conversion system meets or exceeds the manufacturer's construction and installation standards.
9. **Maintenance and Operation.**
  - a. All conversion systems must be maintained and kept in good working order or shall be removed by the property owner. If a Grid Utility Wind Energy Conversion system has not been used for the output of electrical energy for twelve (12) consecutive months, or if it poses an immediate risk to health and safety due to lack of maintenance, poor structural integrity, noise, or vibration it shall be deemed abandoned and shall be disconnected from any electrical grid, dismantled, including the base and any foundations, removed

- from the property, and the land shall be restored by the project owner and/or other property owner, at the sole expense of such owner.
- b. To ensure that abandoned turbines, foundations, and all electrical distribution components are removed, a bond shall be required at the time of construction for 100% of the cost of removal.
  - c. A condition of the bond shall be notification by the bond company to the Zoning Administrator when the bond is about to expire or be terminated.
  - d. The property owner or developer shall provide the Zoning Administrator with a copy of the yearly maintenance inspection as well as a copy of the certificate of insurance for the utility grid wind energy system.
  - e. Failure to keep the bond in effect while a wind turbine generator or weather testing tower is in place will be a violation of the special land use approval. If a lapse in the bond occurs, the Village will use all available remedies including possible enforcement action and revocation of the special land use approval.
10. Noise levels.
- a. The noise level measured at the external property line of the parcel on which the conversion system has been installed shall not exceed 45 dB(A). If the ambient sound pressure level exceeds 45 decibels, the standard shall be ambient dB(A) plus 5 dB(A). After installation of the Utility Grid wind energy system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.
  - b. Documentation of sound pressure level measurements shall be provided, at the expense of the applicant, to the Village within 90 days of the commencement of the commercial operation of the project.
  - c. The applicant shall submit all of the following data at the time of the application that clearly demonstrates that the placement and design of the wind turbine(s) can meet or not exceed the prescribed noise levels.
    - (1) Wind Rose Chart. This is a chart or graph that describes 12 months of wind data collected from the proposed parcel. This graph or chart will demonstrate direction, duration, and intensity of the wind for the entire parcel (pooled or not).
    - (2) Site Plan. Site plan to scale that shows the relationship of all dwellings at the external property lines of the proposed wind turbine(s) parcel, as well as illustrating all setback dimensions.
    - (3) Sound Chart of Sound Data. Sound chart or sound data that shows the sound level in decibels at the base of the turbine tower and at the nacelle. In addition, the reduction of noise of the specific wind turbine, up to and including, 7 rotor diameters away from the base of the wind turbine shall be included. Modeling and analysis shall conform to the IEC 61400 and ISO 9613.

- d. **Sound Pressure Mediation.** Should an aggrieved property owner call into question the sound pressure level of a wind tower, the aggrieved property owner shall follow the following procedure:
  - (1) Notify the Village in writing regarding concerns about sound pressure and ask the Village to perform a sound pressure test at the aggrieved owner's property line.
  - (2) The Village will request the aggrieved property owner deposit funds in an amount sufficient to pay for a sound measurement test according to the specifications of 15.04.BB.10.a.
  - (3) If the sound test indicates that the sound pressure level is within ordinance guidelines, the Village will use the deposit to pay for the sound pressure test.
  - (4) If the wind tower owner is in violation of the ordinance sound standards, the tower owner shall reimburse the Village for the sound pressure test and take immediate action to bring the wind tower into greater compliance which may include ceasing operation of the wind turbine until ordinance violations are corrected. The Village will refund the deposit to the aggrieved property owner.
11. **Required Lighting.** Any lighting required by the FAA shall be of the lowest intensity and of the slowest pulse allowed.
12. **Applications.** Applications for Utility Grid wind energy systems with a tower height greater than 66 feet shall include:
  - a. A site plan, drawn to scale, indicating property lines, setback lines, dimensions and location of all structures, and all structures within 100 feet of the applicant's property lines.
  - b. Information regarding the height of the tower and turbine blade length.
  - c. Manufacturer's modeling and analysis confirming that the wind energy system will not exceed the maximum permitted sound pressure levels.
  - d. The location of the wind turbine, guy wires, and accessory structures.
  - e. Documentation that construction code, tower interconnection (if applicable), electrical code, airport overlay zoning, and safety requirements have been met.
  - f. The applicant shall provide visual simulations of how the completed project will look from four viewable angles.
  - g. Proof of the applicant's ongoing liability insurance.
  - h. Applicant shall provide a copy of that portion of the applicant's lease with the landowner granting authority to install a MET tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment.
  - i. An aerial photograph indicating property lines and the location of the wind turbine or anemometer and all support apparatus.

- j. A survey of the applicant's property, if the applicant has an existing survey.
- k. Data from the Michigan DNR must be included that shows migratory routes, nesting sites and or feeding areas of protected avian species indigenous to Michigan and its neighboring states.
- l. The applicant shall indicate routes for necessary cabling and grid connections indicating any necessary easements on adjacent property.

CC. Accessory food service as part of a Bed and Breakfast establishment. (Amended 5-12-08)

1. All ordinance requirements for the Bed and Breakfast establishment are met.
2. The operator shall provide copies of Michigan Department of Health food service licensing to the zoning administrator.
3. Food service equipment shall not involve the need to alter the structure or kitchen facilities beyond the scope of an ordinary household. Commercial cooking equipment, such as deep fat fryers, commercial stoves, associated mechanical hoods and venting, or similar equipment, is prohibited.
4. Only one employee is permitted to assist with food service.
5. Accessory Food Service activities shall be clearly incidental and subordinate to the Bed & Breakfast establishment.
6. All aspects of the Accessory Food Service shall be located and conducted within a dwelling unit or in the rear yard of the lot. Outdoor café seating visible from the street is prohibited.
7. There shall be no change in the outside appearance of the building or premises.
8. In addition to the parking required for the Bed and Breakfast operation, at least three (3) additional parking spaces shall be provided for Accessory Food Service guests.
9. Not more than twelve (12) non-guest customers or clients shall be served upon the premises at any one time, and restricted to the hours of 11:00 a.m. to 6:00 p.m.
10. Not more than two (2) delivery vehicles shall access the premises each week.
11. No equipment or process used in the Accessory Food Service shall create noise, odors or smoke in excess of those customarily generated by single-family residential uses in the neighborhood.
12. The principal Bed and Breakfast use must have direct access to a State Trunkline, County Primary, or Village Major Street.
13. The Accessory Food Service operation may only operate between September 1<sup>st</sup> and June 30<sup>th</sup> of each year.
14. Food service shall be by reservation only. No walk-in service shall be permitted.

## **CHAPTER 16 SITE PLAN REVIEW**

### **SECTION 16.01      PURPOSE**

The purpose of this Chapter is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may realize planned objectives in the use of land within the regulations of this Zoning Ordinance. It is also intended to ensure that the development be completed with minimum adverse effect on the use of adjacent streets and highways, and on the existing and future uses and the environment in the general vicinity.

### **SECTION 16.02      SITE PLANS REVIEWED**

- A. In accordance with the provisions of this Chapter, the Planning Commission shall be furnished a Site Plan of the proposed development prior to the establishment of a use or the erection of a building in the Districts and conditions cited below:
1. All Permitted Uses within the R-3, C-1, C-2, C-3, C-4, and LI Districts which include:
    - a. The construction of a new building or structure with an enclosed gross floor area of two thousand five hundred (2,500) square feet or greater.
    - b. A building addition with an enclosed floor area greater than twenty five percent (25%) of the existing enclosed building gross floor area.
  2. Special Land Uses in all Zoning Districts.
  3. Planned Unit Developments.
  4. Any use within the WD District, except as noted in B, below.
  5. Site condominiums in any Zoning District.
- B. The following uses will be exempt from Site Plan Review, regardless of the District, unless otherwise requiring a Special Land Use approval: single-family detached and two-family dwellings, farms, roadside stands with less than two-hundred (200) square feet of sales area, state licensed residential family care facilities, family day care homes, home occupations, accessory buildings and uses.

### **SECTION 16.03      SITE PLAN REVIEW REQUIREMENTS**

- A. Preliminary Site Plan Review
1. If desired by the applicant, ten (10) copies of a preliminary site plan may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commissioners, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
  2. Preliminary site plans shall include the following, unless deemed unnecessary by the Zoning Administrator. (Amended 11-13-00)
    - a. Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the area, including the zoning of surrounding property.

- b. Ten (10) copies of a site plan. The scale shall be not less than 1"=10' for property under two (2) acres and at least 1"=100' for those two (2) acres or more. The following items shall be shown on the plan:
    - (1) Existing adjacent streets and proposed streets
    - (2) Lot lines and approximate dimensions
    - (3) Parking lots and access points
    - (4) Proposed buffer strips or screening
    - (5) Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, wetlands, steep slopes, floodplains, and similar natural assets.
    - (6) Location of any signs not attached to the building
    - (7) Existing and proposed buildings.
    - (8) General topographical features including contour intervals no greater than ten (10) feet.
    - (9) All buildings and driveways within one hundred (100) feet of all property lines.
  - c. A narrative (shown on the site plan or submitted separately) describing in general terms:
    - (1) Description of the proposed development.
    - (2) Approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
    - (3) Dwelling unit densities by type, if applicable.
    - (4) Proposed method of providing sewer and water service, as well as other public and private utilities.
    - (5) Proposed method of providing storm drainage.
3. The Planning Commission shall review the preliminary site plan and make such recommendations to the applicant that will cause the plan to be in conformance with the review standards required by this Chapter. The Planning Commission shall advise the applicant as to the general acceptability of the proposed plan, but shall not be bound by any statements or indications of acceptance of the plan.
- B. Final Site Plan Review. If desired by the applicant, a final site plan prepared by a registered professional competent in such matters may be submitted for review without first receiving approval of a preliminary site plan. Applications for final site plan reviews shall include fifteen (15) copies of a site plan containing the following information, unless deemed unnecessary by the Zoning Administrator: (Amended 11-13-00)
1. The date, north arrow, and scale. The scale shall be not less than 1"=10' for property under two (2) acres and at least 1"=100' for those two (2) acres or more.

2. The seal, name, and firm address of the professional individual responsible for the preparation of the site plan, unless waived by the Planning Commission.
3. The name and address of the property owner or petitioner.
4. A location sketch.
5. Legal description of the subject property.
6. The size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
7. Property lines and required setbacks shown and dimensioned.
8. The location of all existing structures, driveways, and parking areas within one hundred (100) feet of the subject property's boundary.
9. The location and dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable.
10. The location of all existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), and unloading areas
11. The location, pavement width and right-of-way width of all roads, streets, and access easements within one hundred (100) feet of the subject property.
12. The percent of impervious surfaces, as defined in Chapter 2, relative to the parcel size if the subject property is located within the WD District.
13. The existing zoning and use of all properties abutting the subject property.
14. The location of all existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls.
15. Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems.
16. The location and size of all surface water drainage facilities.
17. Existing and proposed topographic contours at a minimum of five (5) foot intervals.
18. The approximate size (in acres) of significant natural features, such as wetlands and woods, located on the site, if applicable.
19. Mitigation plans, if deemed necessary by the Planning Commission, to compensate for the loss of significant natural features, including but not limited to wetlands, floodplain areas, and tree stands.
20. Recreation areas, common use areas, flood plain areas and areas to be conveyed for public use and purpose.

#### **SECTION 16.04 APPLICATION AND REVIEW**

- A. Site plans, a completed application form, and an application fee shall be submitted to the Zoning Administrator, by the petitioner or his designated agent, at least fourteen (14) days prior to the next regular Planning Commission meeting. The Zoning Administrator shall

cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

- B. The Planning Commission shall have the responsibility and authorization to approve, disapprove, or approve subject to conditions, the site plan, in accordance with the provisions of this Chapter and the purpose of this Ordinance.
- C. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes.
- D. Three (3) copies of the final approved site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One (1) of these approved copies shall be kept on file by the Clerk, one (1) shall be kept on file by the Zoning Administrator, and one (1) shall be returned to the petitioner or his designated representative.
- E. Each development shall be under construction within one (1) year after the date of approval of the site plan, except as noted in the following:
  - 1. The Planning Commission may grant one (1) six (6) month extension of such time period, provided the applicant requests, in writing, an extension prior to the date of the expiration of the site plan.
  - 2. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant, and the project will proceed within the extension period.
  - 3. If neither of the above provisions are fulfilled or the six (6) month extension has expired prior to construction, the site plan approval shall be null and void.

#### **SECTION 16.05 PLAT REQUIREMENTS**

In those instances in which Act 591, Public Acts of 1996, as amended, the Land Division Act, is involved, the owner shall, after Site Plan approval, submit the preliminary and final plats to the proper officer in conformance with Act 591, and in accordance with all other applicable codes, acts and ordinances. Such plats shall remain in conformance with the approved Site Plan.

#### **SECTION 16.06 ADMINISTRATIVE FEES**

Any Site Plan application shall be accompanied by a fee, in an amount to be established by the Village. Such fee shall be for the purpose of payment for the administrative costs and services expended by the communities in the implementation of this Chapter and the processing of the application. Such fee may be used to reimburse another party retained by the Village to provide expert consultation and advice regarding the application. No part of such fee shall be returnable.

#### **SECTION 16.07 CHANGES IN THE APPROVED SITE PLAN**

Changes to the approved site plan shall be permitted only under the following circumstances:

- A. The holder of an approved site plan shall notify the Zoning Administrator of any proposed change to an approved site plan.

- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
1. Change in the building size, up to five percent (5%) in total floor area.
  2. Movement of buildings or other structures by no more than ten (10) feet.
  3. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.
  4. Changes in building materials to a comparable or higher quality.
  5. Changes in floor plans which do not alter the character of the use.
  6. Changes required or requested by the Village, or any County, State, or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

#### **SECTION 16.08 REVIEW STANDARDS**

The following standards shall be utilized by the Planning Commission in reviewing all site plans. These standards are intended to provide a frame of reference for the applicant in the preparation of site plans as well as for the reviewing authority in making judgment concerning them. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, or innovation.

- A. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
- C. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Village.
- D. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
- E. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land.

- F. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein, and adjacent thereto. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes.
- G. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
- 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, as appropriate, unless developed as a private road in accordance with the requirements for private roads in this Ordinance. Except that the Planning Commission may impose more stringent requirements than those for the Road Commission or Department of Transportation with respect to driveway location and spacing. In addition, sidewalks may be required if determined to be necessary or appropriate for pedestrians and non-motorized vehicles.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution and preserve the rural and small town character of the Village.
- K. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened by a vertical screen consisting of structural or plant materials no less than six (6) feet in height. The finished side of any wall, fence, or other screen shall face adjacent properties.
- L. Entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of entrances to and exits from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors.
- M. Site plans shall conform to all applicable requirements of County, State, Federal, and local statutes and ordinances. Approval may be conditioned on the applicant receiving necessary County, State, Federal, and Village permits before final site plan approval or an occupancy permit is granted.
- N. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to minimize or prevent trespassing or other adverse effects on adjacent lands.

- O. The general purposes and spirit of this Ordinance and the Master Plan of the Village shall be maintained.

**SECTION 16.09      CONDITIONS OF APPROVAL**

- A. As part of an approval to any site plan, the Planning Commission, as applicable, may impose any additional conditions or limitations as in their judgment may be necessary for protection of the public interest.
- B. Conditions imposed shall be those necessary to:
  - 1. meet the intent and purpose of the Zoning Ordinance,
  - 2. relate to the standards established in the Ordinance for the land use or activity under consideration,
  - 3. insure compliance with those standards,
  - 4. protect the general welfare,
  - 5. protect individual property rights, and
  - 6. ensure that the intent and objectives of this Ordinance will be observed.
- C. Approval of a site plan, including conditions made as part of the approval, shall apply to the property described as part of the application and to all subsequent owners.
- D. A record of conditions shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved in accordance with this Ordinance.
- E. A record of the decision of the Planning Commission, the reason for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall be considered violations of this Ordinance.

**SECTION 16.10      APPEAL**

If any person shall be aggrieved by the action of the Planning Commission, appeal in writing to the Board of Appeals may be taken within twenty-one (21) days after the date of such action. The Board of Appeals shall fix a time and place for a public hearing to be published in a newspaper prior to the hearing. All interested parties shall be afforded the opportunity to be heard thereat. After such hearing, the Board of Appeals shall affirm or reverse the action of the Planning Commission, stating its findings and the reasons for its action and a written copy of such findings, reasons, and action shall be given to the appellant.

## **CHAPTER 17**

### **PARKING REQUIREMENTS**

#### **SECTION 17.01 SCOPE**

In all Zoning Districts, off-street parking facilities, including all parking spaces, maneuvering areas, and access points for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such facilities shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

#### **SECTION 17.02 LOCATION OF PARKING**

(Amended 11-21-2018)

The off-street parking required by this Chapter shall be provided in accordance with the following requirements.

- A. Single and Two-Family Dwellings: Except in the C-3 District, off-street parking facilities required for single and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, but shall not be considered a parking lot under the provisions of this Chapter.
- B. Multiple Dwellings: Except in the C-3 District, off-street parking facilities for multiple family dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, and shall consist of a parking lot as defined in this Chapter. Uncovered parking spaces in the R-3 District shall not be located nearer than ten (10) feet to any main building.
- C. Manufactured Home Parks: The off-street parking required may be located on each site or in parking lots conveniently located and readily accessible to each site. Each parking space must meet the minimum area requirements of this Chapter.
- D. C-3 Parking: With the exception of residential uses, the off-street parking requirements of Section 17.06 do not apply in the C-3 District. Any parking areas provided, however, shall meet the other applicable requirements of this Chapter. Residential uses within the C-3 district shall meet the requirements of this Section and Section 17.06 for determining the location of parking areas and the required number of spaces.
- E. Off-Site Parking: For any land uses not specified in Sections 17.02A, B or C, and for any C-3 District residential use, provided the spaces are under the control of the owner, required off-street parking spaces may be located on each site, or alternatively, such required off-street parking may be located in approved parking lots or may be Designated Spaces (as defined in Section 17.06.D), if such lots or Designated Spaces are located within five hundred (500) feet of the site and are readily accessible to such site.

**SECTION 17.03 PARKING LOT REQUIREMENTS**

- A. All parking facilities, access driveways, and commercial storage areas, including a single-family dwelling with Special Land Use for Bed and Breakfast but excluding those for single and two-family dwellings outside manufactured home parks, shall be constructed with a pavement having an asphalt or concrete binder, or with a minimum of six (6) inches of compacted gravel, or other equivalent material.
- B. All parking and maneuvering areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area.
- C. In all zoning districts, the pavement surfacing of the portion of any driveway between the right-of-way and the edge of the roadway surface shall be hard surfaced if the roadway is hard surfaced.
- D. Any illumination for parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light on other than normal parking hours each day. The source of illumination in all parking lots abutting a Residential District or use shall not be higher than fifteen (15) feet above the parking lot surface.
- E. When a required non-residential parking lot is situated on a parcel which adjoins a Residential District, abutting directly or across a roadway, the respective side or rear yard in which said parking is located shall contain a minimum setback of twenty (20) feet excluding any parking or drives, unless a greater setback is required by any other provision of this Ordinance.
- F. Required non-residential parking lots abutting a Residential District or use shall be effectively screened from neighboring Residential Districts and uses by a decorative fence or wall, or a landscaped equivalent.
- G. Adequate ingress and egress to the parking lot, by means of limited and clearly defined drives, shall be provided for all vehicles. Such drives shall be located so as to minimize traffic conflicts with adjoining uses and roadways.
- H. Wheel stops shall be provided and so located as to prevent any vehicle from projecting over the lot or setback lines. Such devices shall be securely anchored into the parking lot to ensure that they remain stationary.
- I. Plans for the layout of off-street parking facilities shall be in accordance with the Parking Space Dimensions table and the following minimum regulations. The minimum parking space dimensions for a layout not provided for in the regulations shall be nine (9) feet in width, eighteen (18) feet in length, and one hundred and sixty-two (162) square feet in area. Dimensions for Designated Spaces are regulated in Section 17.06.D. (Amended 11-21-2018)

Parking Pattern	Aisle Width		Parking Space		Total Width <sup>3</sup>	
	2 Way	1 Way	Width <sup>1</sup>	Length <sup>2</sup>	1 Way	2 Way
Parallel	16 ft.	12 ft.	9 ft.	26 ft.	30 ft.	36 ft.
30-76%	24 ft.	12 ft.	9 ft.	21 ft.	48 ft.	60 ft.
76-90%	24 ft.	15 ft.	9 ft.	18 ft.	66 ft.	60 ft.

1 Measured perpendicular to the longitudinal space centerline.  
 2 Measured along the longitudinal space centerline.  
 3 Total width of two tiers of parking spaces plus maneuvering lane

**Parking Space Dimensions**

The diagram illustrates the layout of parking spaces. It shows two rows of parking spaces separated by a 60 ft wide aisle. The width of the parking spaces is 9 ft, and the length is 18 ft. The total width of the two rows of parking spaces plus the maneuvering lane is 24 ft.

#### **SECTION 17.04     PARKING LOT PLANS**

- A.     The construction of any parking lot shall be in accordance with the requirements of the provisions of this Ordinance and such construction shall be completed and approved by the Zoning Administrator before actual use of the property as a parking lot and before a Certificate of Occupancy is issued.
- B.     Plans for the development of any parking lot must be submitted to the Zoning Administrator, prepared at a scale of not less than one (1) inch equals fifty (50) feet and indicating existing and proposed grades, drainage, pipe sizes, dimensions of typical parking spaces, type of curbing, drive and aisle dimensions, lighting, adjacent main buildings, sidewalks, landscaping, surfacing and base materials to be used, and the layout of the proposed parking lot.
- C.     The plans are to be prepared in a presentable form by person or persons competent in such work and shall conform to the provisions of Section 16.03.

#### **SECTION 17.05     PARKING RESTRICTIONS**

- A.     In any District, it shall be unlawful to use required off-street parking areas for the storage or parking of vehicles in excess of twenty-four (24) hours, except as may be permitted for a commercial use or vehicles utilized on a regular basis by the residents or owners of the lot on which the parking is located.
- B.     It shall be unlawful for any person to park or store any motor vehicle without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of such property. In no case shall vehicles be parked in any required off-street parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.
- C.     After the effective date of this Ordinance it shall be unlawful on lots or parcels of less than one and one-half (1½) acres for the owner, holder, occupant, lessee, agent, or trustee of any lot in a Residential District to permit or allow the open storage or parking, either day or night, thereon of trucks (over one (1) ton), semi-trucks and trailers, manufactured homes (other than for residential purposes, where otherwise permitted), construction equipment, and/or any other similar equipment or machinery used for commercial purposes for a period exceeding forty-eight (48) hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on his farm; and equipment necessary to be parking overnight on a lot, parcel or tract of land during construction work thereon shall be excepted from this restriction.
- D.     No vehicle parking, storage, or display shall be permitted within any road right-of-way other than in Designated Spaces as provided in Section 17.06.D. Designated Spaces shall not be considered on-street parking for purposes of this Chapter 17. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use. (Amended 11-21-2018)

**SECTION 17.06 OFF-STREET PARKING REQUIREMENTS**

(Amended 11-21-2018)

- A. The Planning Commission may defer construction of a portion of the required number of parking spaces for non-residential uses if the following conditions are met:
  - 1. Areas shown for deferred parking shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Section. Such areas shall not be used for any other purpose required by this Ordinance (such as landscaped buffers, etc.) and shall be kept open.
  - 2. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator based on parking needs and shall require the submission and approval of an amended site plan, as required by Chapter 16.
- B. Required off-street parking spaces are noted in the tables below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Zoning Administrator considers similar in type.
- C. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Residential</b>	
Single-family dwellings	Two (2) for all districts except the C-3 District
Two-family dwellings	One (1), plus one (1) for each dwelling unit for all districts except the C-3 District
Multiple family dwellings	Two (2) for each dwelling unit for all districts except the C-3 District
Single family, Two family and Multiple family dwellings in the C-3 District	Two (2) for all dwellings; except that in a mixed-use building (containing commercial and residential uses) a dwelling located above the main commercial street (Hancock) shall require one (1) for each dwelling unit, plus one (1) additional for each dwelling unit with more than two (2) bedrooms
<b>Institutional</b>	
Group day care homes and group foster care homes	One (1) space for each four (4) clients
Churches, theaters, assembly areas, auditoriums, gymnasiums	One (1) space for each five (5) seats or each ten (10) feet of pew length or one (1) space for and each four (4) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater

USE	PARKING SPACE PER UNIT OF MEASUREMENT
Schools, elementary and middle	Two (2) spaces for each three (3) employees, plus amount required for auditorium or gymnasium seating
Schools, secondary, trade, industrial, and institutions of higher learning	One (1) space for each eight (8) students, plus one and one-half (1½) spaces for each classroom, plus amount required for auditorium or gymnasium seating

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>Commercial</b>	
Vehicle wash establish. (self-service or automatic)	One (1) space for each five (5) stalls
Bed & Breakfast	One (1) space per guest room plus two (2) spaces for principal residence of the operator
Beauty/barber shop	Two (2) spaces for each chair
Bowling alleys	Four (4) spaces for each bowling lane plus required spaces for each accessory use
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet UFA or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	One (1) space for each service stall, plus one (1) space for each pump island
Personal service establishments not otherwise specified	One (1) space for each fifty (50) square feet UFA
Furniture, appliance and household goods retail sales	One (1) space for each one thousand (1000) square feet UFA

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
<b>Commercial</b>	
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet UFA
Open air businesses	One (1) space for each two hundred (200) square feet of indoor UFA plus one (1) space for each one thousand (1000) square feet of outdoor display area
Marina	One (1) space for every two (2) boat slips
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet UFA
Hotels and motels	One (1) space for each guest room, plus required spaces for any accessory uses
Video rental stores	One (1) space for each one hundred (100) square feet UFA

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
<b>Offices</b>	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet UFA plus two (2) spaces for each non-drive through automatic teller machine
Offices not otherwise specified	One (1) space for each three hundred (300) square feet UFA
Medical and dental offices and clinics	One (1) space for each seventy-five (75) square feet of waiting room area plus one (1) space for each examining room, dental chair, or similar use area

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
<b>Industrial</b>	
Manufacturing, processing, and research establishments and Industrial uses not otherwise specified	One (1) space for each one thousand (1000) square feet GFA plus those spaces required for offices located on the premises
Warehouses and wholesale establishments	One (1) space for each two thousand (2000) square feet GFA plus those spaces required for offices located on the premises

- D. Designated Spaces: If a Village-owned parking space is designated by a contractual arrangement for a particular use or for use by a particular owner (a "Designated Space"), such a Designated Space shall be eligible to satisfy off-street parking requirements under Section 17.02. Designated Spaces, if determined by the Village Zoning Administrator to be safely designed and similar in size to other Village public spaces, may qualify as off-street parking spaces and shall in that case not be subject to Section 17.03.I. Restricted uses of a Designated Space shall be clearly marked by appropriate signage.

#### **SECTION 17.07 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the C-1 and C-2 Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for non-residential uses in Residential Districts shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. LI District
1. In the LI District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10 x 50), or a minimum of five hundred (500) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
  2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. All dedicated loading spaces shall be provided with a pavement having an asphalt or concrete binder so as to provide a permanent, durable and dustless service.

# ***VILLAGE OF PENTWATER***

ON PENTWATER LAKE AND LAKE MICHIGAN  
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## **ZONING ADMINISTRATOR'S REPORT**

**April 2, 2024**

The following is a summary of activity conducted by the Zoning Administrator in March 2024:

**Code Enforcement** – There is current monitoring of the Sands Street property with property inspections being enforced.

**Planning Commission** – The Planning Commission met on April 2<sup>nd</sup> to:

1. Hold a Public Hearing
2. Text Amendment Change, recommendation to the Village Council to approve the sign setback change from 15 feet to 10 feet.
3. Review a Nonconforming House: 540 N. Hancock St.

**Zoning Board of Appeals** – The Zoning Board of Appeals did not meet.

**Zoning Permits** – The following Zoning Permits were issued in March of 2024:

1. ZP 24-01 was issued to Blackmer Construction: 691 E. Concord St. to construct a 9' x 17' patio covering and generator placement behind house.
2. ZP 24-02 was issued to James Crum: 373 Old State Rd. to construct a 14' x 20' garden shed.
3. ZP 24-03 was issued to Blackmer Construction: 77 E. Park St. to construct a new 219 sq. ft. wrap around porch.

**Other** – I wanted to say thank you to everyone that participated in the Planning and Zoning Essentials training that took place on March 26<sup>th</sup> and March 27<sup>th</sup>.

Sincerely,

***Katie Anderson***

Katie Anderson  
Zoning Administrator