CHAPTER 8
WD WATERFRONT DISTRICT

SECTION 8.01 INTENT

(Amended 12-9-02 – Village; 12-11-02 – Township)

The Waterfront District is a supplementary District which applies to designated lands, as described in this Chapter, simultaneously with any of the other Zoning Districts established in this Ordinance, hereinafter referred to as the "underlying" Zoning District. Lands included in the Waterfront District are all such lands located along the waterfront and shoreline areas of the community and are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waters and shorelines of Pentwater.

It is the intent of the Waterfront District to provide regulations in addition to those contained in the underlying Zoning District pertaining to lands located along the waterfront and shoreline areas of the Pentwater Community. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of waterfront and shoreline properties and to ensure that the structures and uses in this District are compatible with and protect these unique attributes. Where specific requirements of the Waterfront District vary or conflict with the regulations contained in the underlying zoning district, the stricter requirement shall govern.

SECTION 8.02 PERMITTED USES

Land and/or buildings in the WD District may be used for the following purposes as Permitted Uses, subject to the approval of a site plan, in accordance with the requirements of Chapter 16:

A. Permitted uses of the underlying district, except that multiple family dwellings shall not be permitted within the Waterfront District, ~~notwithstanding any other provision of~~ **except at otherwise permitted in** this Ordinance.

B. Private boat docks on waterfront lots shall comply with all applicable state and federal regulations and shall only be permitted subject to the following provisions:

1. One (1) private boat dock shall be permitted for each waterfront lot or parcel. For lots exceeding fifty (50) feet in width, one (1) additional boat dock shall be permitted for each full fifty (50) feet of lot width exceeding the first fifty (50) feet along the lake or other body of water.
2. Dock design, including length, shall not interfere with navigation or other riparian rights of waterfront owners.
3. Boat docks and boat slips, except as permitted in 4, below, shall be used only by persons residing on the premises or their guests, or by patrons of the premises, and shall not be leased, rented, or otherwise made available for compensation, unless approved as a marina, subject to the requirements of this Ordinance and other state and federal regulations.
4. Such boat docks and slips may be permitted on any lot, regardless of whether a main building or principal use exists on such lot.

5. A permit for such dock(s) shall be reviewed and issued by the Zoning Administrator prior to construction. Fees for such permits shall be as established by the Legislative Body.

SECTION 8.03 SPECIAL LAND USES

Land and/or buildings in the WD Waterfront District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15 and the underlying Zoning District in which the parcel is located:

A. Special Land Uses as listed in the underlying district.

B. Public or private boat launches.

C. Marinas.

SECTION 8.04 DISTRICT REGULATIONS

(Amended 12-9-02-Village; 12-11-02 Township)

The regulations of this Chapter shall apply to all waterfront lots as defined in Chapter 2. No building or structure, nor the enlargement of any building of structure, shall be thereafter erected unless the requirements of the underlying Districts are met and maintained in connection with such building, structure, or enlargement, except as noted below:

A. Developments within the Waterfront District shall maintain, to a reasonable extent, open and unobstructed views to the waterway from adjacent properties, roadways, and pedestrian ways.

B. **Waterfront properties located within the Village of Pentwater** shall be required to maintain a vegetative strip along the water at least five (5) feet in width consisting of naturally occurring vegetation, such as wild grasses and reeds, unless the Zoning Administrator finds that adjacent water bodies will not be substantially degraded by the absence of a vegetative strip in preventing or limiting the cumulative effects of harmful pesticides, herbicides, fertilizers, fuel, sedimentation or other natural or man-made environmental contaminants on water quality.

C. No dwelling shall be constructed or placed on lands which are subject to flooding or on banks where a minimum of four (4) feet between the finished grade level and high ground water cannot be met. Land may be filled to meet the minimum requirement of four (4) feet between the finished grade level and high ground water only under the following conditions:

1. No material is allowed to enter the water either by erosion or mechanical means.
2. Fill material is of a pervious material such as gravel or sand.
3. Any and all permits have been acquired as required by the State of Michigan and the rules and regulations of the Department of Natural Resources and the Department of Environmental Quality of the State of Michigan, provided that it shall be unlawful to alter the shoreline of any lake, river or creek in the Community by soil removal or fill.

4. All filling or grading work shall be accomplished so as not to alter the natural drainage of adjoining land.

D. Where specific requirements of the Waterfront District vary or conflict with the regulations contained in the underlying zoning district, the stricter shall govern:

WD District Regulations	Residential Uses	Non-Residential Uses
Minimum lot width	66 feet*	75 feet
Maximum height	30 feet (see Section 2.03, Building Height)	
Front yard setback	30 feet from the lot line or from the ordinary high water mark whichever is more restrictive.	
Side yard setback	Same as the underlying zoning district	
Rear yard setback	Same as the underlying zoning district	
Maximum impervious surface coverage	50%	
Septic fields	Septic fields shall meet the front yard setback requirements of this Ordinance for main buildings	

*Amended 8-5-04 – Village; 9-2-04 Township

In addition to the accessory buildings and structures permitted in Section 3.08, a waterfront lot shall be permitted one (1) boat locker, or other small storage structure, not exceeding three (3) feet in height and twenty (20) square feet in area, located at least six (6) feet from any side or rear property line.