

ORDINANCE AMENDMENT 99-01

AN ORDINANCE TO AMEND THE ONEKAMA TOWNSHIP PERMANENT ZONING ORDINANCE DATED 1991, AS AMENDED, BY ADDING, DELETING AND MODIFYING CERTAIN DEFINITIONS, MODIFYING THE ALLOWABLE SIZE FOR ACCESSORY BUILDINGS, BY ESTABLISHING STANDARDS FOR PRIVATE DOCKS, BY MAKING VIOLATIONS OF THE ORDINANCE CIVIL INFRACTIONS AND ESTABLISHING PENALTIES FOR THOSE VIOLATIONS, AND BY REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH:

THE TOWNSHIP OF ONEKAMA ORDAINS:

Section 1. The Onekama Township Permanent Zoning Ordinance of 1991, as amended, (the "Ordinance") is hereby amended by deleting the following definitions to Article 5, Section 503. Definitions:

CREST
CRITICAL DUNE AREA
EROSION CONTROL DEVICE
FOREDUNE
RECESSION RATES
RESTABILIZATION
SAND DUNE AREA
SAND DUNE MINING
SAND DUNE SPECIAL PROJECT
USE paragraph B. in it's entirety.

Section 2. The "Ordinance" is hereby amended by adding the following definitions to Article 5, Section 503. Definitions:

BED AND BREAKFAST means a home occupation in an owner occupied or resident manager occupied dwelling unit wherein up to eight (8) bedrooms are used for transient guest use for compensation and by pre-arrangement. A continental or American breakfast may be served to overnight guests only. (A breakfast that includes more than coffee, juice and commercially prepared rolls requires a permit from the Michigan Department of Health.)

BUILDING HEIGHT means the vertical distance measured from the average existing grade at the building site to the highest part of the roof.

DEQ means the State of Michigan Department of Environmental Quality.

PARCEL OF LAND means any tract or contiguous tracts of land in the same ownership, whether one or more platted lots or parts of lots, identified by a single property number in the Township assessment role.

PLANNED UNIT DEVELOPMENT or P.U.D means a land area which contains both individual building sites or multiple land use types together with common property, such as a park, and which is designed and developed under one (1) owner or organized group as a separate cohesive neighborhood or community unit.

Section 3. The “Ordinance” is hereby amended by modifying the following definitions in Article 5, Section 503. Definitions:

ACCESSORY BUILDING OR STRUCTURE means

A. A supplemental building or structure on the same lot or parcel of lands as the main building or buildings, the use of which is incidental or secondary to that of the main building, but such use shall not include residential or living quarters for human beings.

B. Accessory structures include, but are not limited to tents, sheds, storage structures, **playground equipment (non-residential), gazebos, parking lots, sports courts, fences within the setback areas, swimming pools** or recreational vehicles and travel trailers which are clearly not permanent and are easily removed . Under no circumstances shall a septic system or tile field be considered an accessory structure.

Section 4. The “Ordinance” is hereby amended by making the following corrections to Article 10, Section 1015. Signs:

Paragraph C. 4. c. delete in it’s entirety and replace with:

- c. **a sign one hundred and fifty-one (151) square feet in area or more shall comply with the same setback requirements as are applicable to buildings or other structures in the district.**

Paragraph C. 5. c. correct to read:

- c. **not** contain an area of more than ten (10) square feet.

Section 5. The “Ordinance” is hereby amended by making the following changes to Article 10. Section 1019. Location of Accessory Buildings and Structures:

Change Paragraph A. to read: **All accessory buildings and structures shall be located in the side yard or rear yard, except when built as part of the main building. When built where the land abuts a body of water, the front yard is the waterfront yard. All of the following standards must be met, as applicable.**

1. An accessory building attached to the principal building of a lot shall be made structurally a part thereof, and shall comply in all respects with the requirements of the principal building.
2. An accessory building or structure, unless attached and made part of the principal building as provided, shall not be closer than ten (10) feet to the principal building.

3. Shall meet all the setback requirements of the district in which it is to be erected, moved or altered.
4. **For all residentially zoned districts, accessory buildings or structures shall be limited to 1200 square feet and a maximum side wall height of twelve (12) feet for properties less than two acres in area, or 1500 square feet and a maximum side wall height of fifteen (15) feet for properties larger than two acres.**
5. **For districts zoned agricultural or commercial-residential the same limitations apply, except for properties larger than five (5) acres, the accessory buildings may be sized suitable for the purpose of intended use.**

Delete Paragraphs B. 7. and B. 9.

Change Subsection B. to read: No storage building shall be allowed in a residential district (**RR-1, RR-2, RR-3 or RR-4**) unless the main dwelling is located on the same lot of land, except as follows. For storage buildings in residential districts which are not on the same lot of land as the dwelling (principal structure), all of the following must be met:

1. A maximum of one storage building for each dwelling owned by the same person.
2. The lot for which the storage building is proposed would, **if the road between them did not exist,** be contiguous to the lot on which a dwelling owned by the same person is located.
3. The storage building will not be on a riparian, littoral or lakefront lot.
4. **The lot is large enough for the size of the building proposed, while still complying with all setbacks.**
5. **The size of the storage building shall be limited by the requirements of Section 1019, Subsection A.**
6. **The eaves shall be boxed (enclosed), and the exterior surface painted or coated to maintain the residential appearance of the neighborhood.**

Section 6. The “Ordinance” is hereby amended by adding the following to Article 10, Section 1020. Temporary Dwellings:

Subsection D. As temporary “overflow” sleeping capacity for guests.

Section 7. The “Ordinance” is hereby amended by adding the following to Article 10, Section 1023. Communication Towers:

Reword Sub Paragraph E. to read: The tower must be located no closer than 1500 feet from the crest of the highest ridge line surrounding Portage Lake, **or 1500 feet in any direction from the centerline of Michigan Highway M-22.** The tower shall not be closer than 300 feet from a school or other public building.

Section 8. The “Ordinance” is hereby amended by adding the following Section to Article 10:

Section 1024. Docks

Waterfront properties in residential zoned districts are allowed one dock for private, non-commercial use as an accessory to the dwelling and shall meet the following standards:

- A. Permanent docks are considered a structure and therefore require a separate land use permit in addition to any permit which may be required by the Corp of Engineers and/or the DEQ.**
- B. Seasonal docks do not need a separate land use permit but may require a permit from the Corp of Engineers and/or the DEQ.**
- C. The maximum width for any dock is six (6) feet.**
- D. Docks shall be located along the shore so that no element of the dock is located within ten (10) feet of an artificial line extending into the lake in line with the side yard property line and shall not interfere with the riparian rights of any neighbor. (Exception: a single dock may be placed on or near a side yard property line providing there is a mutual agreement between the adjoining property owners to share the dock.)**

Section 9. The “Ordinance” is hereby amended by making the following changes to Article 37. Section 3704. Regulations:

Change Sub paragraph D. to read: **Minimum setback from street or road: fifty 50 feet.**

Change Sub paragraph E. to read: **Minimum setback for side yards: twenty (20)feet.**

Section 10. The “Ordinance” is hereby amended by **deleting Section 8204. High Risk Erosion Duties** from Article 82.

Section 11. The “Ordinance” is hereby amended by deleting Section 9803. Penalties in it’s entirety and replacing it with the following:

Section 9803. Sanctions for Violations.

Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule:

| | <u>Minimum</u> | <u>Maximum</u> |
|---|---------------------|---------------------|
| <u>First violation within a three (3) year period*.....</u> | <u>\$ 50</u> | <u>\$500</u> |
| <u>Second violation within a three (3) year period*.....</u> | <u>\$125</u> | <u>\$500</u> |
| <u>Third violation within a three (3) year period*.....</u> | <u>\$250</u> | <u>\$500</u> |
| <u>Fourth or Subsequent violation within a three (3) year period*.....</u> | <u>\$400</u> | <u>\$500</u> |

- **determined on the basis of the date of the violation(s)**

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and

judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation. Provisions of this Ordinance may also be enforced by a suit for injunctive relief.

Section 12. All ordinances in conflict herewith are hereby repealed.

Section 13. This ordinance shall be effective at 12:01 a.m. on the day following this publication, by law.

THOSE VOTING IN FAVOR: Blanche Miller, Tina Garwood, Harold Sorenson,
 Helen Mathieu, David Meister

THOSE VOTING AGAINST: None

THOSE ABSENT OR ABSTAINING: None

ORDINANCE DECLARED: Passed

CERTIFICATION: I, Helen Mathieu, Clerk of the Township of Onekama, Manistee County, Michigan, do hereby CERTIFY that the above is a true and correct copy of the amendment to the Township of Onekama Permanent Zoning Ordinance as adopted by the Township of Onekama Board at a meeting held on the 2nd day of February, 1999.

Helen Mathieu Clerk

Helen Mathieu, Township Clerk