

ARTICLE 70: PORTAGE LAKE SHORELINE OVERLAY ZONE

7001. Purpose

This overlay district is to protect the shoreline of Portage Lake and other bodies of surface water in Onekama Village from erosion, prevention of runoff-laden pollutants, preservation of plant materials necessary for removal of nutrients prior to their entering the lake or surface water, preserving the aesthetics of a vegetated shoreline and providing for shoreline maintenance, while at the same time providing for development of the waterfront uses which are in compliance with the Portage Lake Management Plan.

7002. Area Affected

This overlay district shall include all lands between the following two lines:

- A. The waterfront, being a line dividing the water from the upland at the ordinary high water mark, or the actual point where the water and land meet, whichever is closer to the center of the water body.
- B. The rear parcel line (being the parcel line farthest landward from the waterfront) of littoral parcels; or, in the case of parcels situated at the lakefront, but which are not littoral because they are situated so a road, right-of-way, common area or any other public way --but not privately-owned land-- is between the waterfront and parcel line closest to the lake, the parcel line which is farthest landward from the waterfront; and side or other parcel lines necessary to connect the rear parcel line with other rear parcel lines or parcel lines which are farthest landward from the waterfront.

7003. Permitted Uses

All uses permitted by right or potential special uses listed in the respective underlying district shall be permitted except as otherwise noted here:

- A. Privately-owned littoral land on which exists uses which are private or public parks, recreational facilities, clubs, which provide access to the water's edge for a select membership, property owners' association, property owners within an area development (but not a private business or where users reside or are lodged on the same littoral parcel of land on which the facilities are located) shall be prohibited.
- B. Docks and launch ramps for use by more than the resident of the privately-owned littoral parcel on which the dock and launch ramps are located (but not a marina permitted under this Ordinance) shall be prohibited.

Whenever other provisions of this Ordinance conflict with provisions of this Article, the provisions of this Article shall apply. Whenever other provisions of this Ordinance and provisions of this Article have similar regulations but which differ in how restrictive they are, the more restrictive of the two shall apply.

7004. Regulations

No building or structure shall hereafter be erected or enlarged unless the following regulations are complied with for and maintained in connection with such building, structure or enlargement.

- A. The minimum size of a lot shall be fifteen thousand (15,000) square feet.

B. Minimum lot width: One hundred (100) feet at the shoreline, not including any new or additional shoreline that may be created after adoption of this section of this Ordinance as a result of making a channel, bay, estuary, seawall, or similar modification of the shoreline.

C. Notwithstanding anything to the contrary contained in this Ordinance, the following provisions shall apply:

[Annotation: Section 7004.C-2 was deleted from the ordinance. This section prohibited construction in the flood plain.]

1. When one has a manicured lawn within 11 feet of a water body, then within ten (10) feet of the edge of water bodies trees with a trunk diameter of three inches at breast height, or greater, shall not be removed unless dead or chronically diseased, but may be pruned for a filtered view. Other trees or woody plant material of a smaller diameter at breast height, shall not be removed, except to prune or clear a filtered view of the water body. It shall be the landowner's responsibility to maintain (and establish if necessary at the time new construction occurs) this vegetation belt in a healthy state.

D. Setback for all structures, driveways for motor vehicles, and solid waste disposal: Forty (40) feet landward (measured horizontally) from the waterfront line, or two (2) feet above the surface (measured vertically) of the water body, whichever is farther landward if the principal and accessory structures, if applicable, are connected to the Village sewer system. If they are not connected to the Village sewer system and use of on-site septic disposal is permitted, then the isolation distances given here shall be doubled.

[Annotation: Section 7004.D. changed by amendment, adopted September 24, 1992, effective October 1, 1992.]