

**Village of Onekama
Manistee County, Michigan
ORDINANCE NUMBER 01 of 2016**

AN ORDINANCE TO AMEND THE ONEKAMA VILLAGE ZONING ORDINANCE, AMENDED AND COMPLETELY RESTATED EFFECTIVE AUGUST 1, 2014 AND STYLED:

ONEKAMA VILLAGE ZONING ORDINANCE

THE VILLAGE OF ONEKAMA ORDAINS:

SECTION 1 - ONEKAMA VILLAGE ZONING ORDINANCE is amended, as follows:

ARTICLE 5: DEFINITIONS is amended by adding between "CORNER LOT, SETBACKS" and "DOCK" the following:

DIGITAL SIGN means a sign that has or appears to contain movement or that appears to change caused by a method other than physically removing and replacing the sign or its components, whether the real or apparent movement or change is in the display, the sign structure itself, or any other part of the sign. A digital sign often incorporates a technology allowing the sign face to change the image without the necessity of physically or mechanically replacing the sign face or its components. A digital sign includes any display that incorporates rotating panels, LED lights manipulated through digital input, electronic message centers, or other similar methods or technologies that permit a sign face to present different images or displays.

Division 2 of Section 1015.A is amended and completely restated, as follows

2. Signs on parcels in the Residential District shall not exceed nine (9) square feet in area and the top edge of the sign shall not be more than three (3) feet above ground level.

Paragraph b. of Section 1015.A.3 is amended and completely restated, as follows:

- b. shall be limited to one sign on or attached to each building wall, except that each business located in a building may have one sign on or attached to each building wall;

Division 5 of Section 1015.A is amended and completely restated, as follows:

5. Temporary signs shall be located only on the parcel or structure concerned with a temporary event, except for a directional sign as permitted by Section 1015.A.4, and shall be posted no more than seven (7) days before the event and be removed within seven (7) days following the completion of the event.

Section 1015.A is amended by adding new Division 7, as follows:

7. Digital signs are permitted only in the Commercial Residential District and shall comply with the following requirements:
 - a. A digital sign may not allow the display or message to change more frequently than once every sixty (60) seconds, with a transition period of one second or less. Digital signs may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of digital sign contain a video, a message or a display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.
 - b. A digital sign must have installed a monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on conditions to comply with the following maximum brightness requirements:
 - (1). Brightness from dawn to dusk shall be no greater than 2,000 nits or an equivalent measurement of luminance.
 - (2). Brightness from dusk until dawn shall be no greater than 125 nits or an equivalent measurement of luminance.
 - (3). Brightness of digital signs shall be measured from the sign's face using a standard meter when the digital sign is turned on to full white copy.
 - c. Certification must be provided to the Village demonstrating that the digital sign has been preset to

automatically adjust the brightness to comply with the brightness requirements set forth in the preceding paragraph. Re-inspection and recalibration may be periodically required by the Village in its reasonable discretion and at the expense of the applicant, his or her assignees or successors, or the person who owns or exercises control over the sign, to ensure that the brightness requirements specified above are met.

Section 1015.B is amended and completely restated, as follows:

B. The following signs are prohibited in the Village:

1. Signs which utilize flashing or blinking lights or flashing reflectors.
2. Signs which have moving parts to attract attention, including but not limited to figures or shapes which inflate or deflate to cause motion.

Subsection A of Section 1017 is amended and completely restated, as follows:

- A. Impervious surfaces limit - The percentage of the total land area of a parcel covered by impervious surfaces shall not exceed thirty-five percent (35%), except that the surface area covered by a dwelling, building, accessory building, and other such roofed structures shall not be considered to be impervious if the storm water runoff from those structures is treated and/or disposed of on the parcel by utilizing innovative storm water treatment methods such as rain gardens, ground water infiltration structures, or constructed wetlands.

Division 7 of Section 1021.B is deleted and existing Subsection 8 of Section 1021.B is re-designated as Subsection 7.

Subsection A of Section 7003 is amended to read, as follows:

- A. Permitted Uses - Only the following uses and the uses listed in Sections 5002.F, N, O and P shall be permitted, by permit, as specified in Article 84:

Section 7003 is amended by re-designating existing Subsection B as Subsection C and adding a new Subsection B to read, as follows:

- B. Special Uses - only the following uses shall be permitted by Special Use Permit, as specified in Article 86:
1. Duplexes
 2. Multiple Family Dwellings
 3. Retail Trade and Supporting Services

4. Finance, Insurance, Real Estate and Licensed Professionals and Supporting Services
5. Restaurants
6. Water transportation
7. Marinas

Re-designated Subsection C of Section 7003 is amended in its entirety to read, as follows:

- C. Prohibited Uses – The below listed uses of any privately owned parcel or portion of a privately owned parcel which is adjacent to Portage Lake shall be prohibited, except that a commercial Marina which is otherwise permitted under this Ordinance and complies with State law is excluded from the prohibitions of Sections 7003.C.1, 2 and 3.
1. Provision of access to the water's edge of Portage Lake for select members of any private club, private association, or private entity of any type which consists of select members;
 2. Provision of access to the water's edge of Portage Lake for property owners who reside within a development area, subdivision, or plat or who are members of a property owners association but who do not own the parcel which is being used to provide such access; and,
 3. Provision of either boat ramp access to the waters of Portage Lake or docking facilities on Portage Lake for boats or other water born vehicles for any person other than the parcel owner.

Section 7004 and Subsections A, B, and C of Section 7004 are amended in their entirety to read, as follows:

7004. Regulations and Standards

The following additional regulations and standards shall apply to any parcel or portion of any parcel which is located within the Portage Lake Overlay Zone and to any structure located on such a parcel or portion thereof:

- A. Parcel Width – The minimum parcel width shall be seventy-five (75) feet except that for a platted lot of record, the minimum width shall be the platted width. For a parcel which is adjacent to Portage Lake, the minimum width shall be measured at the shoreline.
- B. Impervious Surface Coverage – The percentage of the total land area of a parcel covered by impervious surfaces shall

not exceed thirty-five percent (35%), except that the surface area covered by a dwelling, building, accessory building, and other such roofed structures shall not be considered to be impervious if the storm water runoff from those structures is treated and/or disposed of on the parcel by utilizing innovative storm water treatment methods such as rain gardens, ground water infiltration structures, or constructed wetlands.

C. Yard and Setback Requirements

1. Waterfront yard for a parcel adjacent to Portage Lake – The minimum setback shall be the Riparian Setback set forth in Section 7005.A.1.
2. Side yards – The minimum setback for either side yard shall not be less than (10) feet.
3. Rear yard.
 - a. For a parcel which has a side adjacent to Portage Lake and a side adjacent to M22, the minimum setback for the rear yard shall not be less than fifteen (15) feet from the road side property line or forty-eight (48) feet from the centerline of the road, whichever is greater.
 - b. For a parcel not adjacent to Portage Lake, the minimum setback for the rear yard shall be fifteen (15) feet.
4. Front Yard for a parcel which is not adjacent to Portage Lake – The minimum setback shall not be less than fifteen (15) feet from the road side property line or forty-eight (48) feet from the centerline of the road, whichever is greater.

Section 7004 is further amended by adding new Subsection G. to read, as follows:

- G. On a nonconforming lot of record on which the principal structure is a temporary seasonal dock, an accessory building shall not exceed six and one half (6 ½) feet measured from the ground to the highest point of the roof and shall be secured to the ground either on a foundation the bottom of which is at least thirty (30) inches below ground level or by tie downs and screw-in soil anchors.

Section 8005 is amended in its entirety to read, as follows:

8005. Status of Certain Uses Which Existed Prior to This Ordinance

- A. There are uses which existed prior to this Ordinance but which are not permitted uses under this Ordinance. Of those uses, there are some which are listed as potential special uses in this Ordinance. Those existing uses, which are listed as potential special uses in this Ordinance, shall not be considered to be nonconforming uses.
- B. Those uses, or parts of uses, which existed prior to this Ordinance and are listed as special uses in this Ordinance, shall be considered to be an Approved Pre-existing Special Use with the configuration shown on a site plan drawn to reflect how the use existed at the time this Ordinance was adopted. Uses and parts of uses which are otherwise considered to be nonconforming prior to the adoption of this Ordinance and which are not considered to be an Approved Pre-existing Special Use shall continue to be nonconforming under this Ordinance.
- C. An owner of an Approved Pre-existing Special Use under Section 8005.B shall, at no charge to the owner, obtain from the Planning Commission a Certification of a Site Plan reflecting how the use existed at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over what facts existed at the time of adoption of this Ordinance, aerial photographs taken by Manistee County or other aerial photographs taken to the same or greater standards for mapping as the County's photos and taken after the County photos but before the adoption of this Ordinance shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above mentioned photo(s) may be accepted as the Site Plan for the Approved Pre-existing Special Use Certification.
- D. When a special use owner applies under Section 8615 to amend an Approved Existing Special Use Certification for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. In reviewing the amendment application for expansion or change, the Planning Commission shall only review and act on the expansion or change portions of the application. If the application for amendment is approved, approved with conditions, denied or denied in part by the Village Council, the action shall not alter those parts of the Special Use that are shown on the Approved Existing Special Use Certification.

Amend Section 9803.A to read in its entirety, as follows:

9803. Approval of Amendments, Vote by Village Council, Notice of Adoption

- A. Upon receipt by the Village Clerk of the summary of public comments and the recommendations decision from the Planning Commission, the Village Clerk shall place the Ordinance amendments on the Agenda for the next Regular Meeting or for a Special Meeting with notice given as required by law.

SECTION 2 - Effective Date

This Ordinance shall be effective on the 7th day following publication as required by law.

THOSE VOTING IN FAVOR:

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING:

CERTIFICATION BY VILLAGE PRESIDENT

I, ROGER BURGER, President of the Village of Onekama, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of Ordinance No. 1 of 2016 as adopted by the Village Council at a special meeting held on the 9th day of March, 2016.

Dated: March 9, 2016

Roger Burger, President
Village of Onekama

CERTIFICATION BY CLERK OF THE VILLAGE OF ONEKAMA

I, Ruth Hudson, Clerk of the Village of Onekama, Manistee County, Michigan, do hereby certify that the above is a true and correct copy of Ordinance No.1 of 2016 as adopted by the Village Council at a special meeting held on the 9th day of March, 2016.

Dated: March 9, 2016

Ruth Hudson, Clerk
Village of Onekama

CERTIFICATION OF PUBLICATION BY VILLAGE CLERK

I, RUTH HUDSON, Clerk of the Village of Onekama, Manistee County, Michigan, do hereby certify that a notice of Ordinance adoption was published on the 11th day of March, 2016, in the Manistee News Advocate, a newspaper having general circulation in the Village as required by law.

Dated: March ____, 2016

Ruth Hudson, Clerk
Village of Onekama