

ORDINANCE NO. 195

AN ORDINANCE TO AMEND ORDINANCE NO. 121, THE CITY OF LUNA PIER ZONING ORDINANCE, HEREIN CHANGING THE PROVISIONS OF ORDINANCE NO. 121 AS AMENDED.

THE CITY OF LUNA PIER ORDAINS:

LISTED BELOW ARE PROPOSED AMENDMENTS TO ZONING ORDINANCE NUMBER 121, CITY OF LUNA PIER, STATE OF MICHIGAN;

A. ADD A NEW DEFINITION;

SEC. 201 DEFINITIONS:

SWIMMING POOL: Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas, either permanent or non-permanent in nature.

**B. ADD MATERIAL – REMOVE ITEM 8 AND REPLACE
RE: SWIMMING POOLS**

**FROM SEC. 402 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL
CONDITIONS**

8. Private swimming pools shall be permitted as an accessory use within the side and rear yards only, provided they meet the following requirements:
 - a. Private pools shall not require Planning Commission review and approval.
 - b. There shall be a minimum distance of not less than ten (10) feet between the adjoining property line, or alley right-of-way and the outside of the pool wall. Yard setbacks of the district shall apply if required to be greater than ten (10) feet.
 - c. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
 - d. No swimming pool shall be located in a front yard and in no case shall a pool be located less than fifteen (15) feet from a street.

- e. No swimming pool shall be located in an easement.
- f. Those residential lots or parcels having water frontage and abutting a public thoroughfare shall maintain the yard on the water side as an open un-obscured yard, excepting that a private swimming pool shall be permitted in the waterfront yard so long as the finished height of all components including barriers or railing does not exceed four (4) feet in height. Private swimming pools shall also be permitted as an accessory structure in the setback between the abutting road right-of-way and the main building providing the front yard setback required in Article XIV, Section 1400 of this Ordinance is met.
- g. For the protection of the general public, all swimming pools, spas and hot tubs shall conform to the section of the Michigan Residential Code governing the same, Appendix G, or any subsequent revisions of such.

**C. ADD MATERIAL – REMOVE SECTION 403 AND REPLACE
RE: ROOF DESIGNS**

SEC. 403 REQUIRED CONDITIONS

All dwelling units shall be reviewed by the Building Inspector subject to the following conditions:

1. Dwelling units shall conform to all applicable City codes and ordinances. Any such local requirements are not intended to abridge applicable State or Federal requirements with respect to the construction of the dwelling.
2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, then a perimeter wall shall also be constructed. Any such perimeter wall shall be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundations below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.

3. Dwelling units shall be provided with exterior finish materials similar to dwelling units on adjacent properties or in the surrounding residential neighborhood.
4. Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood and shall have a roof pitch of not less than five in twelve (5/12).
Exception: repairs, rebuilding of damaged roof areas, or were additions to roof areas are added, such areas shall not exceed twenty (20) percent of the existing roof area.
5. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (1), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood. Each such dwelling unit shall provide a minimum width and depth of at least twenty (20) feet over eighty (80) percent of any such width or depth dimension.
6. The dwelling unit shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
7. Any such dwelling shall be anchored by an anchoring system approved by the City.
8. A front door entranceway shall be provided with a porch built to the requirements of the state building code and be of not less than forty (40) square feet in ground area. The roof design of the porch shall be similar in design to the roof of the dwelling.

The Building Inspector may request a review by the Planning Commission of any dwelling unit with respect to items 3, 4, 5 and 8 above. The Building Inspector or Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Inspector may

require the applicant to furnish such plans, elevations and similar documentation as it deems necessary to permit a complete review and evaluation of the proposal.

When comparing the proposed dwelling unit to similar types of dwelling areas, consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, then the nearest twenty-five (25) similar type dwellings shall be considered.

**D. ADD MATERIAL – REMOVE SECTION 1603 AND REPLACE
RE: SHEDS**

SEC. 1603 ACCESSORY BUILDINGS AND USES

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and conform to, all regulations of this Ordinance applicable to the main building.
2. Accessory buildings shall not be erected in a minimum front yard.
3. A building accessory to a residential building shall not occupy more than twenty-five (25) percent of a required rear yard, provided that in a residential district, the combined areas of accessory buildings shall not exceed the ground floor area of the main building.
4. Storage sheds on residential properties are permitted as an accessory building subject to all requirements of section 1603 and further subject to the following:
 - a. Storage sheds with a ground floor area of twenty (20) square feet or less shall be permitted subject to the following:
 1. The shed shall be located a minimum of three (3) feet from side and rear property lines.

2. The shed may be located without a minimum setback from principal structures provided the wall of the shed adjacent to the principal structure contains no openings.
 3. The shed shall not exceed six (6) feet in height.
 4. Not more than two (2) sheds shall be permitted.
 5. Such sheds shall not require a zoning permit.
- b. Storage sheds with a ground floor area of forty (40) square feet or less shall be permitted subject to the following:
1. The shed shall be located a minimum of three (3) feet from side and rear property lines.
 2. The shed may be located without a minimum setback from principal structures provided the wall of the shed adjacent to the principal structure contains no openings and is non-combustible inside the shed.
 3. The shed shall not exceed ten (10) feet in height.
 4. Such shed shall require a zoning permit.
- c. Storage sheds with a ground floor area of eighty (80) square feet or less shall be permitted subject to the following:
1. The shed shall be located a minimum of three (3) feet from side and rear property lines.
 2. The shed shall be located a minimum of four (4) feet from principal structures provided the wall of the shed contains no openings on the side nearest the principal structure.
 3. The shed shall not exceed ten (10) feet in height.
 4. Such shed shall require a zoning permit.
- d. Storage sheds with a ground floor area greater than eighty (80) square feet shall be subject to the following:

1. The shed shall be located a minimum of five (5) feet from the side and rear property lines.
 2. The shed shall be located a minimum of ten (10) feet from the principal structure.
 3. The shed shall be located no closer than twenty-five (25) feet to any street.
 4. The shed shall not exceed one (1) story and fifteen (15) feet in height.
 5. Such shed shall require a zoning permit.
 6. Any shed exceeding two hundred (200) square feet shall additionally require a building permit.
5. In no instance shall an accessory building be located within an easement or dedicated rights-of-way.
 6. No detached accessory building in the B-1 and P-1 districts shall exceed one (1) story or fifteen (15) feet in height.
 7. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said district.
 8. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard setback required on the lot to the rear of such corner lot. In no instance shall an accessory building be located nearer than twenty (20) feet to a street right-of-way line.
 9. When an accessory building in any Residence, Business or Office district is intended for other than the storage of private motor vehicles or a storage shed specified in 4 above, the accessory use shall be subject to the approval of the Board of Appeals.

Recreational equipment owned by residents of the City may be stored on their individual lots and shall be stored only within the confines of the rear or side yard and shall further respect the requirements of this section applicable to accessory buildings, insofar as distances from principal structures, lot lines and easements are concerned.

10. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway or alley or has insufficient side yard clearance for the passage of recreational equipment, the Building Inspector may allow the parking or storage of such recreational equipment in the side yard. Recreational equipment may be parked in a front yard only on the driveway portion of such yard for a period of not to exceed seventy-two (72) hours.
11. A resident of a dwelling unit may have not more than one (1) motorized vehicle for sale on the site of such dwelling unit at any time and in no instance shall vacant residential lots or parcels be utilized for the sale of vehicles. A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property. In no instance shall vehicles for sale be displayed or repaired in a front yard other than on the driveway portion of such yard.

This Ordinance shall become effective twenty (20) days after a summary has been published as provided by law.

I, P. Michelle Cureton, Clerk, City of Luna Pier, do hereby certify that the foregoing Ordinance was duly adopted at the Regular Meeting of Luna Pier City Council held on October 12, 2006.

P. Michelle Cureton, Clerk
City of Luna Pier

ADOPTED: November 9, 2006

PUBLISHED: November 20, 2006

EFFECTIVE: December 10, 2006