

TOWNSHIP OF PENTWATER
COUNTY OF OCEANA, MICHIGAN

At a regular meeting of the Township Board of the Township of Pentwater, held at the Pentwater Community Hall, 327 Hancock Street, within the Township, on the 9th day of September , 2020, at 6:00 p.m.

PRESENT: Members: Flynn, Holub, Johnson, Siska and Spitler

ABSENT: Members: None

The following ordinance was offered by Member Flynn and supported by Member Spitler:

ORDINANCE NO. 2020-01

**An Ordinance to Amend Township Ordinance No. 7-14-99, as amended,
the Pentwater Township Zoning Ordinance**

THE TOWNSHIP OF PENTWATER ORDAINS:

Section 1. Section 2.02. Definitions – A is hereby amended so as to amend the definition of Accessory Building, which definition shall now read in its entirety as follows:

“Accessory Building. An accessory building is a subordinate building which is occupied or used for an accessory use or accessory purpose and which is not attached to the main building located on the same premises. A building is considered attached to the main building, for purposes of this definition, when it is attached to the main building by means of either full walls and a roof, or by a full roof, where such connecting portion of the structure is constructed in compliance with applicable building codes, as applied by Oceana County. Unless so attached, an accessory building shall be located no less than 10 feet from the main building. Any building which is closer than 10 feet to the main building, if not attached as required, shall not be permitted.”

Section 2. Section 3.07.B.3 is hereby amended to read in its entirety as follows:

“If such a structure is attached to the main building as provided in the definition of accessory building in section 2.02, so that the structure shall be considered part of the main building, the walls and roof or the roof attaching the building to the main building must be constructed and maintained in compliance with all applicable building codes as provided in Section 3.08, which section distinguishes subordinate buildings attached to the main building from accessory buildings.”

Section 3. Section 3.08, Accessory Buildings and Uses.

“A. When a subordinate building is attached to a main building as provided in the definition of accessory building, the building shall be deemed a part of the main building and shall conform to the requirements contained in the Section 2.02 definition of accessory building, and to all set back and height regulations of this ordinance applicable to such main buildings.

B. An accessory building or use shall only be permitted on a lot or parcel which contains a principal use or main building, unless otherwise specifically permitted by this Ordinance. Buildings for commercial agricultural operations that comply with generally accepted agricultural and management practices as established by the Michigan Commission of Agriculture are exempt from this requirement.

C. An accessory building shall not be permitted within ten (10) feet of the main building.

D. No part of an accessory building shall be used for residential or living quarters.

E. No commercial use shall be conducted in any accessory building, except for permitted bona fide commercial farm uses and home occupation uses if specifically authorized by this ordinance.

F. The maximum gross floor area for accessory buildings on residential lots or parcels shall be as follows:

1. 720 square feet for parcels less than 10,000 square feet.
2. 1,000 square feet for parcels at least 10,000 square feet in area, but less than two acres.
3. 1,500 square feet for parcels at least two acres, but less than five acres.
4. 2,500 square feet for parcels five acres or more.

G. Accessory Buildings in Non-Residential Districts and for Non-Residential Uses in Residential Districts. The total GFA for accessory buildings on a lot in a non-residential district and for accessory buildings for non-residential uses located in a residential district shall not exceed 25% of the GFA of the main building(s).

H. Location of accessory buildings.

1. Accessory buildings shall be located a minimum of ten (10) feet from any main building.
2. Accessory buildings shall not be located in the front yard, unless each of the following three requirements are satisfied:

- a. The subject lot shall have a depth of no less than 250 feet;
 - b. The accessory building shall not be located nearer to the front lot line than one-half the distance between the front lot line and the main building; and
 - c. The accessory building shall be at least 30 feet from the front lot line.
3. Accessory buildings equal to or less than one hundred and forty-four (144) square feet GFA shall be located a minimum of three (3) feet from any side or rear lot line;
4. Accessory buildings greater than one hundred and forty-four (144) square feet GFA shall be located a minimum of six (6) feet from any side or rear lot line.
- I. Accessory buildings in excess of one hundred and forty-four (144) square feet shall be designed, constructed, and finished with an exterior appearance that is compatible in terms of materials, color, and general construction with the exterior appearance of the main building.
- J. Accessory buildings shall not exceed twenty-two (22) feet in height.
- K. Side and rear yard setbacks for accessory buildings shall be measured to the eaves of the building.”

Section 4. Section 3.22.B Home Occupations, shall be amended so as to read in its entirety as follows:

“B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the use for residential purposes of its occupants. The home occupation shall be operated in its entirety within the dwelling unit or an accessory building. The home occupation shall not exceed a total floor area of 25% of the total gross floor area of the dwelling unit, whether conducted in the dwelling unit, an accessory building, or both.”

Section 5. Section 3.24.B.9.b shall be amended so as to read in its entirety as follows:

“b. An accessory structure which is accessory to a single-family dwelling or two-family dwelling that has legal non-conforming setbacks may be demolished and a new accessory structure may be built in the same location, with respect to the setback requirements. The prior, non-conforming setback distances shall be certified by the Zoning Administrator prior to reconstruction. The new accessory structure shall otherwise comply in all respects with current zoning ordinance requirements and building code regulations.”

Section 6. Effective Date. This Ordinance shall become effective seven (7) days after its publication or seven (7) days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Members: Flynn, Spitler, Holub, Johnson and Siska

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Sue Ann Johnson, Township Clerk
Township of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Pentwater at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Sue Ann Johnson, Township Clerk
Township of Pentwater