

ORDINANCE NO. 386

ZONING TEXT AMENDMENT

AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE ZONING ORDINANCE, CHAPTER 390 OF THE CODE OF THE VILLAGE, TO REVISE THE DEFINITION FOR FAMILY; TO REVISE REGULATIONS RELATED TO ACCESSORY BUILDINGS; TO REVISE THE PERMITTED AND SPECIAL LAND USES RELATED TO ACCESSORY BUILDINGS AND RESTAURANTS WITH ASSEMBLY OPERATIONS; TO AMEND THE SCREENING STANDARDS FOR SHORT TERM RENTAL NON-CONFORMITIES; TO ESTABLISH STANDARDS FOR NEON WINDOW SIGNS; AND TO REVISE OR ESTABLISH SPECIAL USE STANDARDS FOR TWO STORY ACCESSORY BUILDINGS AND ACCESSORY DWELLING UNITS.

THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Family Definition. Section 390.7.06 of the Spring Lake Village Zoning Ordinance (the "Zoning Ordinance"), shall be amended to the following definition of "Family." (The rest of Section 390.7.06 shall remain unchanged).

FAMILY. Family. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit.

1. This definition includes family guests, exchange students, visitors, medical caregivers, and child caregivers, any person living within a household on a permanent basis, and any other individual related by blood or affinity whose close association is the equivalent of a family relationship.

Section 2. Accessory Buildings. Section 390.22.H-390.22.J of the Spring Lake Village Zoning Ordinance shall be restated as follows. (The rest of Section 390.22 shall remain unchanged).

390.22-H: Accessory Building Floor Area:

1. The term "floor area as used in this subsection means the sum total useable floor area of the ground floor of all accessory buildings situated or permitted on a lot.
 - a. Total floor area also includes the area under an attached lean-to structure, or roof overhang greater than three (3) feet, or other similar sheltered area, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

390.22-I: Residential Accessory Buildings

1. The floor area and total number of buildings of the allowed residential accessory buildings shall be dependent on the lot area, as outlined on the table below:

Residential Accessory Building Regulations		
Property Size	Maximum Number of Buildings	Accessory Building Total Floor Area
. < .5 Acre	2	950 sqft
.5 - < 1 Acre	3	1100 sqft
*Properties that are a minimum of one (1) acre in size are allowed an additional 150sqft and one (1) accessory building per acre of lot area.		

2. Building Height: A residential accessory building shall be no greater than one (1) story or sixteen (16) feet, whichever is less.

390.22-J: Non-Residential Accessory Buildings

1. Non-residential properties may have up to two (2) accessory buildings, which shall not exceed 200sqft each.
2. Building Height: A non-residential shall be no greater than one (1) story or sixteen (16) feet, whichever is less.
3. An Accessory building that meets the requirements described above may be processed administratively by the Zoning Administrator if the accessory building does not have a discernable impact on any required site design elements, including but not limited to lighting, landscaping, and parking.
 - a. In cases where the accessory building would impact site design elements, the proposed building will be subject to site plan review by the Planning Commission.
4. Any building that exceeds the size or height requirements described above shall be considered a principal building and will be subject to site plan review.

Section 3. Permitted and Special Land Uses Table. Table 390-55.01 of the Spring Lake Village Zoning Ordinance shall be amended as follows.

Table 390-55.01. Permitted and Special Land Uses

Land Use	SFR	MFR	CC	CBD
Accessory buildings	R	R	R	R
Accessory dwelling units	S	S		
Adult foster care congregate facilities		S	S	
Adult foster care family homes	R	R		
Adult foster care small or large group homes	S	S		
Assembly operations			S	
Automobile gasoline stations			S	
Automobile repairs, major			S	S

Land Use	SFR	MFR	CC	CBD
Automobile repairs, minor			R	S
Automobile wash			S	S
Bed and breakfast establishments	S	S	S	
Clubs or lodges			R	
Community support facilities	S			
Convenience stores			R	R
Day care, adult	S			
Day care, commercial			S	
Day care, family	R	R		
Day care, group	S	S		
Educational institutions	R			
Farmer's markets				S
Financial institutions with drive-through facilities			S	S
Financial institutions, without drive-through facilities			R	R
Funeral homes	S		S	S
Home occupations	R	R		
Hotels and motels				S
Indoor recreation facilities			S	S
Large places of public assembly	S			
Live/Work			R	
Marinas	S			S
Medical clinics			R	R
Motels and Motels			S	
Office buildings	S		R	R
Open air business			S	S
Parks and public facilities	R	R	R	R
Personal service establishments			R	R
Professional service establishments			R	R
Residential above retail or offices			R	R
Restaurants with assembly operations			S	S
Restaurants with drive-through facilities.			S	
Restaurants without drive-through facilities			R	R

Land Use	SFR	MFR	CC	CBD
Retail businesses			R	R
Senior assisted living facilities		S	S	
Short-term rentals	S	S	S	S
Single family dwellings, excluding manufactured homes		R		
Single-family dwellings, including manufactured homes	R			
Small places of public assembly	R			
Tattoo or piercing parlor				S
Two-family dwellings		R		
Two-family dwellings, only on corner lots	R			
Veterinary hospitals			S	S
Wholesale establishments and warehouses			S	

Section 4. Community Commercial District Special Uses. Section 390.61.B.14 of the Spring Lake Village Zoning Ordinance shall be amended to insert the following use. (The rest of Section 390.68.B. shall be subsequently renumbered but retain the same content).

14. Restaurants with Assembly Operations

Section 5. Central Business District Special Uses. Section 390.70.B.13 of the Spring Lake Village Zoning Ordinance shall be amended to insert the following use. (The rest of Section 390.70.B. shall be subsequently renumbered but retain the same content).

13. Restaurants with Assembly Operations

Section 6. Short Term Rental Screening. Section 390.68.B.4 of the Spring Lake Village Zoning Ordinance shall be amended as follows. (The rest of Section 390.68.B.4 shall remain unchanged).

4. If any of the above features are present on the lot and legally nonconforming in status, the Planning Commission may require the area to be fenced in or screened with landscaping. Additionally, the Planning Commission may require any outdoor congregating area to be fenced in or landscaped in order to help buffer the short term rental from neighboring properties. The Village shall consider lot sizes in the area and of the short term rental lot, surrounding land uses, topography, and other considerations deemed relevant by the Village

Section 7. Neon Sign Definition. Section 390-98.F.6 of the Spring Lake Village Zoning Ordinance shall be established to include the following regulation (The rest of Section 390-98.F shall remain unchanged).

390.98.F.6 - Neon signs, being any light fixture that has the appearance of a “tube” of light, including neon, LED, or other lighting types shall be permitted as part of a window sign in limited instances as described in Section 390-106.E.

Section 8. Neon Window Signage. 390-106.E.2.of the Spring Lake Village Zoning Ordinance shall be established to include the following regulations. (The rest of Section 390-106.E..shall remain unchanged).

390-106.E.2 - Neon Window Signage

- a) Window signs in the CBD District may be illuminated using neon tube lighting, as described in Section 390-98.F.6 pursuant to the following restrictions:
 - i. The sign shall not exceed 10sqft in size.
 - ii. The neon sign shall not have a flashing, blinking, or any other similar animated effect, and shall generally function and have the appearance of a static sign.
 - iii. The sign shall be extinguished outside of business hours, a maximum of one hour before or after the business’s operating hours, subject to the following additional standard:

1. All signs over three square feet in area shall be turned off by 11:00 p.m., or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers.
- iv. Neon window signs shall be located under a building project, roof overhang, or similar feature to mitigate unshielded light exposure.
- v. Sign lighting shall not create a nuisance.

Section 9. Site Plan Review for Non-Residential Accessory Structures. Section 390.122.A of the Spring Lake Village Zoning Ordinance shall be inserted to include the following regulations. (The rest of Section 390.122.A shall be subsequently renumbered, but retain the same content).

2. Non-residential accessory buildings that do not exceed 200sqft and have no impact on site design elements may be reviewed administratively by the Zoning Administrator.

Section 10. Accessory Buildings – Residential, Two Story Height. Section 390.137.01 of the Spring Lake Village Zoning Ordinance shall be inserted to include the following regulations. (The rest of Section 390-137 shall be subsequently renumbered, but retain the same content).

Section 390-137.01 – Accessory Buildings – Residential, Two Story Height

In determining whether to grant a Special Use permit for a residential accessory building that exceeds the maximum height requirement established in 390.22-H, the Planning Commission will determine if the proposed structure meets the following criteria:

- A. The accessory building may not exceed twenty-four (24) feet or two (2) stories in height, whichever is less.
- B. The accessory building meets all standards of Section 390-22 other than building height.
- C. The exterior design of the accessory building shall be compatible with the existing residence on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and in harmony with the character and scale of the surrounding neighborhood.
- D. Where applicable, the accessory building shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.
- E. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking of adjacent properties.

Section 11. Accessory Dwelling Units. Existing Section 390.137.01 of the Spring Lake Village Zoning Ordinance shall be inserted as Section 390.137.02 and amended in its entirety as follows. (The rest of Section 390-137 shall be subsequently renumbered but retain the same content).

Section 390-137.02. Accessory Dwellings.

- A. An accessory dwelling shall not be used for short term rental purposes.
- B. All structures designed and/or used for the temporary or permanent dwelling of a person or persons and not integrated into the primary residence on a lot shall be considered an accessory dwelling unit (ADU).
- C. The ADU shall be connected to public water and wastewater systems.
- D. The ADU shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and shall meet all provisions of the Building Code and regulations.
- E. The exterior design of an ADU, whether attached or detached to the principal dwelling, including the primary dwelling unit, shall be compatible with the existing residence on the lot. The building form, height, construction materials, dimensions, and landscaping shall remain consistent with the principal structure and in harmony with the character and scale of the surrounding neighborhood.
- F. The ADU shall not result in excessive traffic, parking congestion, or noise.
 1. Off-street parking spaces shall be provided in a quantity sufficient to accommodate the Principal Dwelling and ADU.
- G. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking of adjacent properties.
- H. Where applicable, the ADU shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.
- I. No more than one ADU shall be permitted on a single parcel.
- J. Development standards.
 1. ADUs shall count towards the maximum number of buildings and floor area for total accessory buildings established in Section 390-22.H.
 - a. In the case of a one and one-half (1 1/2;) to two (2) story detached ADU, only the portion of the building footprint devoted to the ADU shall be counted towards the maximum building area.
 2. Unit size. ADUs shall have a floor area no less than four hundred (400) square feet and no greater than one thousand (1,000) square feet, and an ADU shall not be greater than the size of the principal dwelling.
 3. Setbacks. ADUs shall comply with all setbacks for accessory buildings in the zoning district in which they are located. Attached ADUs shall meet the same setbacks as required for the principal dwelling.

4. Occupancy. The property owner must occupy either the principal or accessory dwelling.
5. Height. A single story detached ADU shall not exceed sixteen (16) feet in height. A one and one-half (1 1/2;) to two (2) story detached ADU shall not exceed twenty-four (24) feet in height. Height shall be measured to the roof peak. If the primary dwelling unit has historic or special roof features or ornamentation, which should be matched on the ADU, the maximum building height may be exceeded in order to accommodate the existing character of the lot, subject to review and approval of the zoning administrator.
6. Orientation. Windows facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.
7. Deed restrictions. Before obtaining a building permit, or when a building permit is not required, before making an ADU available for use, the property owner shall file with the zoning administrator a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
 - a. The use permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.
 - b. The ADU is restricted to the approved size.
 - c. The ADU shall not be sold separately.
 - d. All above declarations shall run with the land, and are binding upon any successor in ownership.
 - e. The deed restrictions shall lapse upon the removal of the ADU.
8. Attached accessory dwelling units. All attached ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

Section 12. Effective Date.

This amendment to the Code of the Village of Spring Lake, Ottawa County, Michigan, was approved and adopted by the Village Council on September 18, 2023, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on October 1, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of this amendment in the *Grand Haven Tribune*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Village of Spring Lake Zoning Text Amendment Ordinance was adopted at a regular meeting of the Village Council held on September 18, 2023. The following members of the Village Council were present at that meeting: Abbott, Duer, Petrus, Powers, TePastte & Van Leeuwen-Vega. The following members of the Village Council were absent: Roggenbau. The Ordinance was adopted by the Village Council with members of the Council: Abbott, Duer, Petrus, Powers, TePastte & Van Leeuwen-Vega voting in favor and none of the Council voting in opposition. Notice of Adoption of the Ordinance was published in the Grand Haven Tribune September 23, 2023.

Marvin Hinga, Clerk

Village of Spring Lake