

ORDINANCE NO. 390

ZONING TEXT AMENDMENT

AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE ZONING ORDINANCE, CHAPTER 390 OF THE CODE OF THE VILLAGE, TO REVISE SETBACKS FOR ABOVE GROUND HOT TUBS AND SPAS; ESTABLISH A REVOCATION PROCESS FOR ZONING APPROVAL OF SITE PLANS THAT ARE DEVELOPED OUT OF CONFORMANCE WITH AN APPROVED SITE PLAN; AND TO REVISE PARKING LOCATION REQUIREMENTS.

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

Section 1. Hot Tubs and Spas Setback. Section 390-19 of the Spring Lake Village Zoning Ordinance (the "Zoning Ordinance"), shall be restated in its entirety as follows:

- A. Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or aboveground) which contains 24 inches or more of water in depth at any point, shall erect and maintain thereon a fence or enclosure approved by the Building Official surrounding the device sufficient to make such device inaccessible to small children, except under the conditions of subsection B below. Such fence or enclosure, including the gates, shall not be less than four feet or greater than six (6) feet above grade. All gates shall be self-latching with latches placed no less than four feet above grade or otherwise made inaccessible from the outside to small children.
- B. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs, or pools are located shall not be required to comply with Section 390-19 A above.
- C. Swimming pools, spas, hot tubs, and similar devices two (2) feet or less above grade at any point shall not be located less than four (4) feet from any lot line.
- D. Swimming pools and similar devices in excess of two feet above grade at any point shall not be located less than ten (10) feet from any lot line.
- E. Spas, hot tubs, and similar devices in excess of two feet above grade at any point shall not be located less than one (1) foot from any lot line.
- F. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard except for waterfront lots in which these devices may be located in the waterfront yard.

Section 2. Parking – Location Section 390-114 of the Spring Lake Village Zoning Ordinance shall be restated in its entirety as follows.

- A. Off-street parking areas shall be located within the same zoning district of a proposed use, either on the same lot as the use served by the parking or on an adjoining lot under the same ownership or control, or under the terms of a

lease, shared parking agreement, or other arrangement approved by the Village. In the following circumstances, off-street parking may be located in a different zoning district.

1. For approved special land uses in the SFR Zoning District which are adjacent to the CBD Zoning District, uses in the C Zoning District which are adjacent to the CBD Zoning District, and uses within the CBD Zoning district, on-street and off-street public parking within three hundred (300) feet of the building, structure, or use for which it is intended, as measured from the nearest part of the building or structure or use to the nearest part of the parking area may be counted toward the minimum parking requirement, provided the following standards are met:
 - i. The parking is located on the same side of Savidge Street.
 - ii. Information is provided that proves sufficient parking is available for the proposed use.
- B. Private shared parking areas may be located on a different lot from the subject building or structure or use that it serves if the following conditions are met:
 1. The parking area is located no more than three hundred (300) feet from the main entrance of the subject building or structure or use it serves.
 2. The sharing of parking shall be guaranteed via a legally binding and recorded agreement between the owner of the parking area and the owner of the building or structure or use which is located on a different lot served by the parking area. Such agreement shall be submitted to the Village for review and approval and address the issue of how parking will be shared and be adequate if the parties modify operating hours or other factors. The Planning Commission may waive the requirement for a recorded agreement where it finds sufficient alternative documentation of an assured long-term shared parking arrangement.
- C. Two (2) or more buildings or structures or uses may collectively provide the combined and required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual buildings or structures or uses computed separately, unless excepted in subsection D below.
- D. In the instance of such dual-use of off-street parking spaces where peak operating hours of buildings do not conflict or overlap, the Planning Commission or Zoning Administrator may grant an exception to the requirements in Table 390-115.01 and permit less than the combined sum of required parking.
- E. Any requirement of this Article may be modified at the petition of an Applicant if the Planning Commission finds that the requested modification meets all the following standards:
 1. The modification would result in a more creative and imaginative design meeting the intent and purpose of this Article.
 2. The modification would result in an enhancement to public health and safety through increased pedestrian access, creative walkway arrangements, and convenient Vehicle access and circulation.
 3. The modification would result in the preservation of Open Space, greenways and other natural areas of low or passive use.
 4. The modification would result in sufficient off-Street parking and Loading Areas, high-quality landscape screening, the buffering of less

intensive uses from more intensive uses, distinctive Streetscapes and corridors, adequate snow storage areas.

5. The modification is consistent with the goals of the Community Master Plan.
6. Present or future adjoining premises would not be adversely affected by the modification.

Section 3. Parking – General Requirements. Section 390-115.F of the Spring Lake Village Zoning Ordinance shall be removed from the Ordinance. (The rest of Section 390-115 shall be subsequently renumbered but remain unchanged).

~~For nonresidential uses in the C and CBD zoning districts, as well as approved special land uses in the SFR zone which are adjacent to CBD zoning districts, on-street and off-street public parking within three hundred (300) feet of the use may be counted toward the minimum parking requirement, provided that such parking is on the same side of Savidge Street as the proposed use.~~

Section 4. Construction in conformity with approved site plan required. Section 390.127.C of the Spring Lake Village Zoning Ordinance shall be inserted to include the following regulation. (The rest of Section 390-127 shall be remain unchanged.).

- C. If construction and development does not conform to the approved plan, the approval of the site plan shall be revoked by the Zoning Administrator by written notice of the revocation being posted upon the premises involved and mailed to the owner at their last known address. Upon revocation of this approval, all construction activities shall cease upon the site until the time the violation has been corrected or the Planning Commission has, upon proper application of the owner, approved a modification in the site plan to coincide with the owner's construction, or altered plans for construction to be in compliance with the criteria contained in the site plan approval provisions and with the spirit, purpose, and intent of this Ordinance.

Section 5. 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 April 15, 2024, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on April 28, 2024, 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 April 15, 2024. The following members of the Village Council were present at that meeting: Duer, Petrus, Powers, TePastte & Van Leeuwen-Vega. The following members of the Village Council were absent: Abbott & Roggenbau. The Ordinance was adopted by the Village Council with members of the Council: 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 on April 15, 2024.

Marvin Hinga, Clerk

Village of Spring Lake