

## ORDINANCE NO. 397

### ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE ZONING ORDINANCE, CHAPTER 390 OF THE CODE OF THE VILLAGE, TO ESTABLISH A DEFINITION FOR RETAINING WALLS AND PROVIDE FOR REGULATION; ESTABLISH A DEFINITION FOR HALF STORY, REVISE SETBACK REGULATIONS PERTAINING TO RESIDENTIAL AND COMMERCIAL ACCESSORY BUILDINGS; ESTABLISH PERMITTED UNENCLOSED BREEZEWAY STRUCTURES ATTACHED TO ACCESSORY BUILDINGS; AMEND THE MAXIMUM ALLOWABLE HEIGHT FOR FENCES LOCATION IN FRONT YARDS; STRIKE ARTICLE X PERTAINING TO THE REGULATION OF SHORT TERM RENTALS TO THE SPECIAL LAND USE CHAPTER, THE REGULATIONS TO BE INSERTED IN SECTION 390-137.32: REORGANIZE AND AMEND SPECIAL USE STANDARDS PERTAINING TO SHORT TERM RENTALS TO CLARIFY GENERAL STANDARDS, APPLICATION REQUIREMENTS, DESIGN STANDARDS, AND MODIFICATIONS; 9. AMEND STANDARDS PERTAINING TO THE MODIFICATION OF EXISTING STRUCTURES USED FOR SHORT TERM RENTALS; 10. ESTABLISH AN EXPIRATION DATE FOR APPROVED SITE PLANS FOR WHICH CONSTRUCTION HAS NOT COMMENCED; 11. AMEND THE EXPIRATION DATE FOR APPROVED SPECIAL USES FOR WHICH CONSTRUCTION HAS NOT YET COMMENCED; 12. AMEND THE PERMITTED USES AND SPECIAL USES IN THE CENTRAL BUSINESS DISTRICT (CBD) ZONING DISTRICT TO ESTABLISH SHORT TERM RENTALS AS A SPECIAL USE; 13. AND TO STRIKE SECTION 390-122.A.5 WHICH EXEMPTS PROPERTIES IN THE MULTIPLE FAMILY RESIDENTIAL (MDR) DISTRICT FROM THE SITE PLAN REVIEW PROCESS FOR SHORT TERM RENTALS.

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

**Section 1. Story, Half.** Section 390-7.19 of the Spring Lake Village Zoning Ordinance (the "Zoning Ordinance"), shall be amended to establish the following definition for "Story, Half."

STORY, HALF: The highest story under a sloping roof where the line of intersection of roof decking and wall is not more than three (3) feet above the top floor level, and where the usable gross floor area (with a ceiling height of at least five (5) feet) is not more than fifty percent (50%) of the gross floor area of the story directly below it

**Section 2. Retaining Walls.** Section 390-7.23 of the Spring Lake Village Zoning Ordinance (the "Zoning Ordinance"), shall be amended to provide the following definition for "Retaining Walls."

WALL, RETAINING: An outdoor wall designed to prevent soil collapse, soil erosion, or otherwise retain the grade of the land behind and/or above it.

**Section 3. Fences, Walls, and Screens – Location** Section 390-11 of the Spring Lake Village Zoning Ordinance shall be restated in its entirety as follows.

Unless otherwise stated in this section, fences, walls, and screens shall require a certificate of zoning compliance issued by the Zoning Administrator.

A. In all zoning districts, fences, walls, and screens must comply with the following requirements:

1. No fence, wall, or screen shall be erected within any public right-of-way.
2. No fence, wall, screen, or planting of any material shall be erected or maintained in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines twenty-five (25) feet from the point of intersection with the right-of-way lines (Figure 3.2).
3. All fences and screens shall comply with the following standards:
  - a. The use of electric current or charge on any fence or part thereof is prohibited.
  - b. No fence shall have any spikes or sharp points.
  - c. Unless otherwise approved by the Planning Commission, all fences shall be constructed of typical or traditional fencing materials, including, but not limited to, wood or composite wood planks, aluminum, wrought iron, chain link, and polyvinyl.
  - d. Any lot that abuts or is directly adjacent to the water shall not have a fence, obscuring wall, or screen located within the required side yard or required front yard exceeding a height of four (4) feet. Moreover, no such fence or screen shall be a solid barrier which completely obstructs view; rather, any such fence, wall, or screen shall allow at least seventy-five (75) percent visibility through the fence, wall, or screen.
  - e. Unless specifically authorized elsewhere in this ordinance, a fence, obscuring wall, or screen located within the required side yard or required rear yard in any zoning district shall not exceed a height of six (6) feet measured from the grade to the top of the fence or screen. Posts may extend a maximum of six (6) inches above the fence.
  - f. The height of a fence, obscuring wall, or screen shall be measured from the grade to the top of the fence. The artificial raising of land to increase the functional height of the fence beyond the limitations of this section is prohibited.
  - g. Unless specifically authorized elsewhere in this Chapter, no fence, obscuring wall, or screen located within the required front yard of a property in the SFR or MFR district shall exceed a height of four (4) feet, or be more than fifty percent (50%) solid or impervious.

B. Fences within the C and CBD zoning districts shall have an ornamental character as well as a utilitarian function. All fences in the C and CBD districts shall comply with the following requirements:

1. Fencing is only permitted for the screening of parking areas and to accent or define landscaped areas. In all cases, fencing is only permitted when adjacent to at least five feet of landscaped area.
2. Unless specifically authorized elsewhere in this Chapter, no fence, wall, or screen located within any yard shall exceed a height of four (4) feet or be more than fifty (50) percent solid or impervious.

3. Where a commercial district abuts a residential district, a six (6) foot tall solid fence may be permitted when located along a shared side and/or rear lot line.
  4. Unless otherwise approved by the Village, fences within the C and CBD districts shall be constructed of wood, composite wood, rigid vinyl, wrought iron, or aluminum. Chain-link fences are prohibited.
- C. Retaining walls must comply with the following standards:
1. All retaining walls shall require a zoning permit.
  2. Retaining walls shall be designed in such a way that they do not alter drainage patterns. Excavation needed for the placement, location and design of a retaining wall shall not undermine the grade of adjacent properties.
  3. Height:
    - a. The height of a Retaining Wall shall be measured from the ground level at the base (at the lowest side of the wall) to the top (at the highest point on the wall).
    - b. No portion of a Retaining Wall may exceed eight (8) feet in height.
    - c. In the case of a series of Retaining Walls within close proximity to one another (i.e., less than ten (10) feet from one another) that serve as one Retaining Wall system, the height shall be measured from the ground level at the base of the lowest Retaining Wall (at the lowest side of the wall) to the top of the highest retaining wall (at the highest point on the wall). This distance may not exceed the various height limitations outlined in this Section. Retaining Walls spaced greater than ten (10) feet from one another shall be considered individual retaining walls.
  4. Setbacks
    - a. A Retaining Wall, which does not at any point exceed four (4) feet in height, must have a Setback of at least two (2) feet from all Lot Lines.
    - b. For any portion of a Retaining Wall which exceeds four (4) feet in height, such portion must meet the applicable rear Setback and side Setbacks for the Lot in the designated Zoning District.
    - c. A Retaining Wall or Series of Retaining Walls on a Waterfront Lot is common due to naturally existing conditions such as soil composition and significant elevation/topographical change between the top of the slope and the water's edge. Given these potentially unique circumstances, a Retaining Wall or Series of Retaining Walls greater than four (4) feet in height within the required Setbacks for the Lot may be necessary to preserve the Lot as well as provide adequate waterfront access. After review by the Township Engineer, the Zoning Administrator may approve the intrusion into the Setback, provided the intrusion is the minimum amount necessary to preserve the Lot and provide adequate waterfront access. Retaining Walls on waterfront lots are subject to the following additional regulations:
      - 1) If the Zoning Administrator then determines that the proposed Retaining Wall or Series of Retaining Walls is necessary to preserve the Lot and its reasonable

use, and will not cause unreasonable detriment to any adjacent Lot, the Zoning Administrator will approve the Retaining Wall or Series of Retaining Walls.

- 2) Replacement of an existing Retaining Wall or Series of Retaining Walls exceeding four (4) feet in height within the required setback of the Lot may be permitted if reviewed by the Township Engineer, who shall consider if the replacement Retaining Wall or Series of Retaining Walls maintains existing slopes on the Lot that are consistent with adjacent property, and if then approved by the Zoning Administrator.

**Section 4. Accessory Buildings – General Requirements.** Section 390-22 of the Spring Lake Village Zoning Ordinance shall be restated in its entirety as follows:

- A. Accessory uses and buildings are permitted only in connection with, incidental to, and on the same lot as a principal use or building which is permitted in the particular zoning district.
- B. An accessory use or building must be in the same zoning district as the principal use on a lot.
- C. No accessory use or building shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. No accessory building or use may be placed on a lot without a principal use or building.
- D. Accessory buildings shall be constructed with durable, hard-sided materials, such as wood, metal, or pre-manufactured siding that are weather and rust-resistant. Accessory buildings that consist of construction materials such as a plastic tarp or other type of flexible fabric or similar material, stretched over a frame of poles or similar objects or devices, are prohibited.
- E. Accessory buildings shall be regularly maintained so that they reasonably retain their original appearance and are free from mechanical or structural defects.
- F. Location: No accessory building shall be constructed within any front yard.
- G. Residential Accessory Buildings
  1. Size Requirements: 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:

<b>Residential Accessory Building Regulations</b>		
<b>Property Size</b>	<b>Maximum Number of Buildings</b>	<b>Accessory Building Total Floor Area</b>
< .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.		

- a. The term “total floor area” as used in this subsection means the sum total floor area of the ground floor of all accessory buildings situated or permitted on a lot.
  - b. 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. However, an attic level where the floor-to-ceiling height is less than six (6) feet shall not count towards the total floor area.
2. Building Height: A residential accessory building shall be no greater than one (1) story or sixteen (16) feet, whichever is less.
  3. Residential accessory buildings and structures shall be set back in accordance with the following table:

<b>Residential Accessory Building Setback Regulations</b>				
<b>Total Floor Area of the Accessory Building</b>	<b>Front Yard Setback</b>	<b>Side Yard Setback</b>	<b>Rear Yard Setback</b>	<b>Setback from all other Structures</b>
200 sqft or less	25’*	3’	3’	3’
201-600sqft	25’*	5’	5’	5’
601 sqft or greater	25’*	8’	8’	8’
<p>* The front yard setback for an accessory building may be reduced in compliance with Section 390-26.A. However, at no point shall the accessory building have a lesser front yard setback than the existing dwelling.</p> <p>For accessory buildings on the street side of waterfront lots, the accessory building must have a minimum setback of twenty (20) feet from the street right-of-way.</p>				

- a. Setbacks shall be measured from the foundation of the accessory building or structure. A cantilever or roof overhang may extend no more than three (3) feet into the required setback.
4. Permitted Attachments to Principal Buildings
 

Under the following circumstances, an accessory building may be permitted to connect to a principal building and shall still be considered a detached accessory structure rather than part of the principal building.

    - a. The principal building is in existence at the effective date of this ordinance.
    - b. The accessory building may be connected to the principal building by an unenclosed breezeway, consisting of only a roof structure without walls, screens, or other enclosure, subject to the following dimensional standards:
      - 1) The unenclosed breezeway shall be no wider than five (5) feet in width.
      - 2) The unenclosed breezeway shall extend no further than fifteen (15) feet between the principal building and the accessory building.
      - 3) No more than one connection between two buildings shall be permitted per property.

- 4) The unenclosed breezeway shall not be used for storage purposes.
  - c. The total roofed area of the unenclosed breezeway shall be included in the calculation of the accessory building's total floor area under Section 39022.G.
  - d. The enclosed breezeway shall use roofing materials and support structures that are aesthetically similar and compatible to what is used for the principal building.
    - 1) Applications for unenclosed breezeways meeting these criteria may be processed administratively by the Zoning Administrator. If the Zoning Administrator determines the unenclosed breezeway is not compatible with the existing Principal Building, then the Planning Commission shall review the structure for compliance with the above standard.
  - e. Any other alterations to the detached accessory building, aside from the addition of the unenclosed breezeway, must comply with all zoning code requirements for new construction.

#### **H. Non- Residential Accessory Buildings:**

1. Non-residential properties may have up to two (2) accessory buildings, which individually shall not exceed 200sqft.
2. Building Height: A non-residential accessory building shall be no greater than one (1) story or sixteen (16) feet, whichever is less.
3. Setbacks: an accessory building must be a minimum of three (3) feet from all lot lines.
4. 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.
5. 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. Principal buildings are subject to the dimensional standards for the applicable zoning district.

**Section 5. Short Term Rentals.** Article X of the Spring Lake Village Zoning Ordinance shall be restated in its entirety as follows:

#### **390.68. Short Term Rental Requirements; Violations**

- A. A short term rental shall be subject to the special land use standards in Article XVIII, including Section 390-137.32
- B. The following site modifications are subject to review and approval by the Planning Commission as an amendment to the special land use; otherwise, these modifications shall void the approval of the existing special land use:

1. Any structural expansion of the dwelling that increases the square footage of the dwelling, including the addition of a new decks and patios, excepting an increase to an existing deck or patio which does not exceed 25% of the existing footprint or;
  2. Alteration of the interior of the dwelling in a manner that results in an increased number of sleeping rooms or other enlargement of sleeping rooms which would result in an increased maximum occupancy for the dwelling
- C. A short term rental shall be subject to the following performance standards:
1. Occupants shall not encroach on neighboring properties.
  2. Owners shall provide sufficient waste receptacles, and the subject property shall be maintained free of debris and unwholesome substances. Garbage must be kept in a closed container and disposed of on a regular weekly schedule.
- D. A short term rental shall comply with the Village's Registration of Rental Units Ordinance, Chapter 271 of this Code, as amended.
- E. If the conditions of a special land use approval are not satisfied or the owner fails to comply with Chapter 271 of this Code, as amended, and the alleged violations are not promptly resolved upon written notice to the owner or responsible local agent, the Village may schedule a public hearing before the Planning Commission pursuant to Section 390-136, at which the Planning Commission may take any action allowed by law, up to and including revocation of the special land use approval.

**Section 6. Permitted Uses – CBD Zoning District.** Section 390-70.A.11 shall be stricken and removed in its entirety.

~~Short term rentals of permitted dwelling units~~

**Section 7. Special Land Uses – CBD Zoning District.** Section 390-70.B.14 shall be inserted as follows, with subsequent language renumbered accordingly.

Short term rentals of permitted dwelling units

**Section 8. Expiration of Site Plan Approval.** Section 390-122.A.5 shall be stricken and removed in its entirety.

~~Short term rentals in the Multiple Family Residential (MFR) zoning district.~~

**Section 9. Expiration of Site Plan Approval.** Section 390-127.D shall be established to include the following:

Approval of the site plan shall be valid for a period of one (1) year. If a building permit has not been obtained and on-site development actually commenced within one (1) year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

1. The Zoning Administrator may grant one (1) six-month extension of the site plan approval upon demonstration that construction is likely to commence within the following six months. The Zoning Administrator shall notify the Planning Commission of all approved extensions

**Section 10. Expiration of Site Plan Approval.** Section 390-135.B shall be amended as follows:

If after one (1) year following approval, the special land use has not been initiated or the construction necessary for such use has not been initiated or, if construction has been initiated, it is not proceeding meaningfully toward completion, then the special land use approval shall be deemed expired and no longer valid.

1. The Zoning Administrator may grant one (1) six-month extension of the special land use approval upon demonstration that construction is likely to commence within the following six months. The Zoning Administrator shall notify the Planning Commission of all approved extensions

**Section 11. Short Term Rentals.** Section 390-137.32 of the Spring Lake Village Zoning Ordinance shall be established as follows:

**390-137.32 A: Intent.**

The Village is committed to preserving the residential character of its neighborhoods, minimizing potential nuisances, and maintaining the Village's small-town character. The Village intends to protect its residents and visitors from the potentially negative or harmful effects that can arise from commercial rentals, including the potential impact on the appearance, tranquility, and standard of living in the Village's prime residential areas.

However, the Village also recognizes the potential benefits of tourism and additional lodging opportunities for visitors, as well as the financial benefit that short term rentals can bring to property owners in the Village. Therefore, the Village wishes to achieve a balance between these considerations by providing that short term rentals are allowed as special land uses, based upon a consideration of the standards in Section 390-134 and in this Short Term Rental Overlay District.

**137.32 B: Permitted Uses.**

The uses permitted in the Short Term Rental Overlay District shall be the uses permitted in the underlying zoning district, plus Short Term Rentals as special land uses.

**137.32 C: Design Requirements.**

The design requirements of the underlying zoning district shall apply to the Short-Term Rental Overlay District.

**137.32 D: Property included in the Short Term Rental Overlay District**

The property in the Village included in the Short Term Rental Overlay District is illustrated in the diagram attached as Exhibit A, to be added to the zoning map established per Section 390-51 of this Zoning Chapter.

**137.32 E: Special Land Use Standards**

- 1 The following standards shall apply to all short term rentals.
  - a) A short term rental must be located in the Short Term Rental Overlay District.
  - b) The rental unit must maintain the existing residential character of the subject property.
  - c) The number of overnight guests permitted in a short term rental shall be based on occupancy limits established by the International Property Maintenance Code as

referenced in the Michigan Building Code. All guests shall sleep in a bedroom. No guest may sleep on couches, the floor, in tents, or in trailers on the lot.

## **2 Required Submittal Documents:**

- a) To be considered by the Planning Commission the applicant shall submit the following information by the application deadline:
  1. Completed Special Use Application and payment for the applicable fees.
  2. Dimensioned and detailed floorplan of the dwelling unit drawn to a scale of not less than 1/8 inch = 1 foot.
    - (a) A floorplan must for all stories and the basement, if applicable, for the dwelling unit.
    - (b) The uses of the space (bedrooms, bathrooms, kitchen, etc.) shall be described for every room on the floorplan.
  3. Dimensioned and scaled site plan which provides setbacks from the lot line to the house and all other structures located on the property.
    - (a) If the property or main building appears to be dimensionally non-conforming, a site survey certified by a licensed surveyor shall be provided. This survey shall provide all the setbacks to structures as noted in the above section.
  4. A brief narrative describing the request and demonstrating compliance with the standards of this chapter.
- b) The applicant shall provide dimensioned parking information on the site plan. This shall be considered the designated parking area and include the following information:
  1. All occupant parking shall occur in the designated parking area. Parking shall be located within the property boundaries, with the following exception:
    - (a) For subject properties in the Community Commercial (CC) and Central Business District (CBD) Zoning Districts where parking is not available within the property boundaries, parking shall occur within those parking spaces devoted to use by the subject property. Proof of ownership of the off-site parking spaces shall be provided with the application submittal.
  2. A minimum of two off-street parking spaces shall be provided per unit (up to six occupants), plus one space for every three occupants over six, based on approved occupancy for the dwelling unit.
  3. Any proposed expanded parking area must be shown on the site plan and will be subject to review by the Planning Commission and Zoning Administrator. Parking on the grass is prohibited.
  4. Parking and driveway materials shall be compliant with Section 390-117.A.
  5. Proposed parking spaces shall be no less than nine (9) feet wide by eighteen (18) feet in length.

## **3 Special Use Design Standards:**

- a) If the subject lot does not meet the underlying district minimum lot area, has other dimensional nonconformities, or has an existing non-conforming use, the Planning

Commission may deny approval, or it may condition approval on measures that mitigate potential adverse effects of operating a short term rental on the lot.

- b) Where they exist, fire pits shall meet the setback requirements of the Open Burning Ordinance, the International Fire Code, and any other applicable codes.
- c) No separate cooking facilities shall be allowed in bedrooms.
- d) Outdoor areas intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, etc.) must meet the following requirements, in addition to other requirements established by this chapter.
  - 1. Decks, porches, and patios which qualify as a structure must meet the minimum setback requirements as established in the underlying zoning district.
  - 2. At grade patios and decks, or those which do not meet the height requirement to be considered a structure, must be a minimum of three feet from any lot line.
  - 3. Pools, hot tubs, and similar devices must meet the minimum setback requirements as established in the underlying zoning district.
  - 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 mitigate potential nuisances to 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 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 July 21, 2025 after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on August 2, 2025, 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.

VILLAGE OF SPRING LAKE

Dated: July 21, 2025

By: \_\_\_\_\_

Mark Powers  
Its: Village President

By: \_\_\_\_\_

Marvin Hinga  
Its: Clerk

## **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 of the Village Council held on July 21, 2025. The following members of the Village Council were present at the meeting: Abbott, Cadieux, Johnson, Powers, Roggenbau & TePastte. The following members of the Village Council were absent: VanLeeuwen-Vega. The Ordinance was adopted by the Village Council with members of the Council: Abbott, Cadieux, Johnson, Powers, Roggenbau & TePastte voting in favor and no member of Council voting in opposition. Notice of the Adoption of the Ordinance was published in *The Grand Haven Tribune* on August 2, 2025.

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Marvin Hinga,  
Clerk/Treasurer  
Village of Spring Lake