ORDINANCE NO. 288

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE SPRING LAKE TOWNSHIP ZONING ORDINANCE BY DEFINING AND REGULATING FENCES; REVISING DWELLING STANDARDS, OPEN SPACE REGULATIONS, AND DENSITY BONUS OPTIONS; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF SPRING LAKE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Definition of Fence. The definition of “Fence” in Section 207 of the Spring Lake Township Zoning Ordinance (the “Zoning Ordinance”) shall be restated in its entirety as follows.

Fence: A barrier, railing, or other upright Structure, enclosing an area of ground to mark a boundary, control access, or prevent escape.

Section 2. Dwelling Standards. The dwelling standards in Section 322.C.13 of the Zoning Ordinance shall be restated in their entirety as follows.

13. Attached garage size:

a. On any Lot, the total square footage of an Attached garage (including, but not limited to, other large interior spaces such as workshops, recreational areas, and storage areas) shall not exceed the square footage of the largest Story designed and used for living purposes in the Dwelling, up to one thousand five hundred (1,500) square feet.

b. An Attached garage (or other large interior space such as a workshop, recreational area, or storage area) larger than one thousand five hundred (1,500) square feet, but not greater than the square footage of the largest Story designed and used for living purposes in the Dwelling, may be authorized by the Board of Appeals pursuant to Section 603 of the Zoning Act. Further, only on Lots of two (2) acres or greater in size, an Attached garage (or other large interior space such as a workshop, recreational area, or storage area) larger than the largest Story designed and used for living purposes in the Dwelling may be authorized by the Board of Appeals pursuant to Section 603 of the Zoning Act. In order to qualify for either of
these authorizations, the application must first comply with the following standards.

(i) All of the Buildings and the Structures on the Lot shall not exceed the Lot Coverage standards of the underlying Zoning District.

(ii) The area, height, and massing of the proposed Attached garage (or other large interior space such as a workshop, recreational area, or storage area) shall be proportional to the overall Lot Area upon which it is placed; proportional to the size of the Dwelling on the Lot; and consistent with other residential Buildings and Structures in the surrounding neighborhood.

(iii) The Board of Appeals shall require a restrictive covenant, such as a deed restriction, recorded with the Ottawa County Register of Deeds, indicating that any future division of the subject Lot shall meet the limits for Lot Area and Accessory Building or Structure size provided in Section 306, and shall satisfy any conditions placed by the Board of Appeals upon an authorization granted under this subsection. The covenant shall be provided to the Zoning Administrator prior to the issuance of a permit under Section 116.

Section 3. Fence Regulations. The regulations for fences in Section 324 of the Zoning Ordinance shall be expanded by adding the following as a second paragraph in its entirety as follows.

Fences shall be composed of customary fence materials including wood, metal, or concrete posts connected by solid wood or rigid vinyl boards, wrought iron rails, or chain links, or other material with similar purpose, strength, and durability approved by the Zoning Administrator.

Section 4. Open Space Regulations. The regulations for open space in planned unit developments in Section 1402.D of the Zoning Ordinance shall be expanded by adding subsections 4 through 9 in their entirety as follows.

4. Customary Yard areas of Dwelling Units, utility easements, right of way/access easements, stormwater areas, and surface water areas shall not be considered to be Open Space.

5. Open Space may include both passive (natural areas) and active (developed or improved) areas.

6. Significant Natural Features shall be included in Open Space.

7. Convenient and welcoming community access to Open Space shall be provided.
Access points should avoid conflict with and shall not compromise privacy for Dwelling Units in the PUD.

8. Landscaping.

a. There shall be at least one (1) Street tree per Lot or Dwelling Unit. The Street tree shall be located between the Sidewalk and the Street or Private Road, or as approved by the Planning Commission.

b. Tree canopy coverage shall be fifty (50) percent of the Lot or Site Condominium Unit, which may include existing trees and eventual tree canopy created from new plantings. A tree canopy plan is required and shall be reviewed by the Township Landscape Architect.

c. A detailed landscaping plan is required for all PUD entrance areas located adjacent to a Street and shall be subject to Township Landscape Architect review.

9. PUD layout and screening.

a. Building Envelopes shall not be located nearer than one hundred (100) feet to any existing Street not included as part of the PUD.

b. Native or natural vegetation shall not be removed from the one hundred (100) foot Setback, except for that necessary for entrance Streets or Private Roads, or bike paths. The Planning Commission may modify this requirement provided the Applicant demonstrates that the clearing of existing vegetation would contribute significantly to the intent of this Article as described in Section 1400.

c. Grading or changes in topography shall not be permitted in the one hundred (100) foot Setback, except as may be necessary to construct entrance Streets or Private Roads, or bike paths.

d. The required one hundred (100) foot Setback may be reduced to no less than fifty (50) feet if a year-round, opaque, natural screen is present or provided. The natural screen shall be subject to the approval of the Planning Commission, shall be reviewed by the Township Landscape Architect, shall have at least fifty (50) percent opacity from the Street view into the PUD, and shall consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.

e. Lots or Site Condominium Units shall not contain Wetlands or Wetland Setbacks.

f. Lots or Site Condominium Units shall not gain direct access to any Street or
Private Road not constructed or planned as part of the PUD.

Section 5. Density Bonus Option. The density bonus option for planned unit developments per Section 1411 of the Zoning Ordinance shall be restated in its entirety as follows.

1411 DENSITY BONUS OPTION

A. Intent. In order to further promote the benefits of PUD for the community and the property owner, an optional Density Bonus may be applied which is intended to provide added incentive, through increased densities and reduced minimum requirements, in exchange for preservation of Open Space in excess of that required under a traditional PUD and which might otherwise be developed.

B. Qualifying Conditions. In order to qualify for a Density Bonus Option as defined in this Section, the property proposed for Planned Unit Development shall meet all of the following.

1. The proposed PUD-Density Bonus Option site shall have a minimum sixty-six (66) feet of Frontage on an existing Street sufficient to provide Street access to the site.

2. The Applicant must demonstrate that the property proposed for Density Bonus Option contains unique site conditions, Significant Natural Features, or large Open Spaces which would otherwise be developed but which will be preserved from development as a result of exercising the Density Bonus Option.

3. The Applicant must demonstrate, in writing and other appropriate material, that the proposed Density Bonus Option meets the intent of this Section, in addition to the intent described in Section 1400 and all other requirements of this Article for a PUD.

4. That the proposed PUD exceeds the minimum applicable point standards of the Sustainable Community Assessment.

C. Density Bonus Option: Design Requirements.


Lot sizes for Detached Single-Family Dwellings and Site Condominiums may be reduced from the minimums specified elsewhere in this Article, but shall not be less than six thousand (6,000) square feet in area. There shall be no minimum Yard Setback requirements; provided, no principal Buildings shall be closer than twelve (12) feet to any other Building.

2. Commercial Uses: The Planning Commission and Township Board may allow commercial uses within the Density Bonus Option.
All commercial uses allowed in the PUD-Density Bonus Option shall occupy not more than twenty (20) percent of the acreage of the PUD site.

D. Density Bonus Criteria.

1. A density bonus of up to twenty-five (25) percent additional Dwelling Units from those illustrated on the parallel plan may be approved by the Planning Commission and the Township Board if the development contains more than twenty (20) percent open space.

Section 6. Effective Date. The foregoing amendment to the Spring Lake Township Zoning Ordinance was approved and adopted by the Township Board of Spring Lake Township, Ottawa County, Michigan on August 8, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on August 27, 2022, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

John H. Nash, Township Supervisor

H. Carolyn Boersma, Township Clerk
CERTIFICATE

I, H. Carolyn Boersma, the Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on August 8, 2022. The following members of the Township Board were present at that meeting: John Nash, Carolyn Boersma, Jim Koster, Catherine Pavick, Ellen Pearn, Ernie Petrus, Jerry Rabideau. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Koster, Pavick, Petrus, Pearn, Rabideau, Boersma, Nash voting in favor and no members of the Board voting in opposition. A summary or verbatim copy of the Ordinance was published in the *Grand Haven Tribune* on August 19, 2022.

[Signature]

H. Carolyn Boersma, MMC
Township Clerk