Pursuant to Executive Order No. 2020 – 129, the Village of Spring Lake will conduct its business virtually to mitigate the spread of COVID-19. Members of the public are welcome and encouraged to participate in this meeting. Members of the public are not required to register or otherwise provide information to attend. If a member of the public wishes to participate in the webinar (versus conferencing in), please email Village Manager Christine Burns at christine@springlakevillage.org to receive the link.

Please utilize the mute function on your phone while on a conference call, when appropriate. There will be an opportunity at the end of the meeting for public comment.

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<thead>
<tr>
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<th>Time</th>
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<tr>
<td>1</td>
<td>7:00 p.m.</td>
<td>Public Hearing for Removal of Planning Commission Member</td>
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<td>2</td>
<td>7:07 p.m.</td>
<td>Public Hearing Zoning Ordinance Adoption</td>
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<td>3</td>
<td>7:17 p.m.</td>
<td>Digital Reader Board Sign (Angela Stanford-Butler)</td>
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<td>4</td>
<td>7:25 p.m.</td>
<td>Parks Proposal (Robert Lopez ~ Lilley Cares)</td>
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<td>5</td>
<td>7:35 p.m.</td>
<td>Barber School Parking Lot Resurfacing (Wally Delamater)</td>
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<td>6</td>
<td>7:38 p.m.</td>
<td>Clock Tower Park Resurfacing (Wally Delamater)</td>
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<td>7</td>
<td>7:41 p.m.</td>
<td>Crack Sealing/Striping Jackson Street Parking Lot (Wally Delamater)</td>
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<td>8</td>
<td>7:44 p.m.</td>
<td>Crockery Township Agreement (Marv Hinga)</td>
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<td>9</td>
<td>7:47 p.m.</td>
<td>USDA Bonding Resolution (Marv Hinga)</td>
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<td>10</td>
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<td>Budget Amendment (Marv Hinga)</td>
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<td>11</td>
<td>7:53 p.m.</td>
<td>Amend Water Fee Schedule for Non-Village Customers (Marv Hinga)</td>
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<td>12</td>
<td>7:56 p.m.</td>
<td>Business of the Year (2020) Nomination</td>
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<td>8:00 p.m.</td>
<td>Amendment to Village Manager Employment Contract</td>
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<td>8:03 p.m.</td>
<td>Amendment to MOU Regarding Planner Roles &amp; Responsibilities</td>
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<td>8:06 p.m.</td>
<td>Internship Completion</td>
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<td>8:08 p.m.</td>
<td>Parking Lot Seal &amp; Restripe (Wally Delamater)</td>
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<td>8:10 p.m.</td>
<td>Communications</td>
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<td>• Complaints</td>
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<td>o Brooklyn Bagels (Charter Communications)</td>
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<td>o Chittenden (Pavilion Rental at Central Park)</td>
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<td>o Fullerton (Milkweeds at Plantenga's)</td>
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<td>o Marshall (Portapotty at Whistle Stop Playground)</td>
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<td>o Schoemer (Speed Bumps on Private Drive)</td>
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<td>o Stordahl (SNW)</td>
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<td>o Terpstra (“Weeds” at Clock Tower)</td>
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<td>• Inquiry (Griffin - Irrigation Well)</td>
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<td>• MERS Payment (Police Division)</td>
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<td>• Thank you (Der Vartanian - Eagle Scout Project)</td>
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<tr>
<td>8:11 p.m.</td>
<td>Minutes</td>
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<td>Minutes of the July 13, 2020 Work Session and July 20, 2020 regular meeting are attached for review. Should you wish to make edits, please share that information with Chris Burns or Maryann Fonkert prior to August 14, 2020</td>
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<tr>
<td>8:12</td>
<td>Public Comment</td>
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<td>Council Work Sessions are open to the public, and as such, the public is invited to speak at the end of each meeting. Each speaker should limit their comments to 3 minutes.</td>
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<td>8:15</td>
<td>Adjourn</td>
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WORK SESSION AGENDA REPORT

TO: Village President Mark Powers & Council Members
FROM: Chris Burns, Village Manager
DATE: August 7, 2020
RE: Malfeasance/Misfeasance by a Planning Commissioner

Background: Mr. & Mrs. Richard Martinus purchased 209 S. Park from the Village of Spring Lake in January 2013. Mr. Martinus was appointed to the Planning Commission in 2015.

Village staff have observed an advertisement for a short-term rental at 207 S. Park on Airbnb since June 2016. The Martinus’ applied to the Village for a Special Use Permit to operate a short-term rental in June 2019, finally meeting the requirements for STR licensing on Thursday, July 30, 2020. The Martinus’ have also constructed an unpermitted dock and fence (wall) and damaged Village property in the process.

Section 15 of the Michigan Planning Enabling Act, MCL 125.3815, provides that a legislative body may remove a planning commissioner for misfeasance, malfeasance, or nonfeasance of office, following written charges issues to the planning commissioner and a public hearing where the planning commissioner is allowed to respond to the charges.

These issues justify written charges and a public hearing to determine whether or not Mr. Martinus should be removed from the Planning Commission.

The act doesn’t require notice in a newspaper or even a minimum amount of notice to the person charged. The amount of notice to the person charged is simply based on reasonableness – what the charged person reasonably needs to prepare a defense to the legislative body, or in this case the Council.

Attorney Ron Bultje recommends that the charges come from the President of the Council and be stated as follows.

The Planning Commissioner is subject to removal upon the filing of written charges, and after a public hearing before the Village Council, if the Council finds the Commissioner is responsible of misfeasance, malfeasance, or nonfeasance as a member of the Planning Commission.

The Commissioner is accused of malfeasance or at least misfeasance in office as a Planning Commission member, specifically as follows.

1. The Commissioner is accused of operating a short-term rental in the Village, without a short-term rental permit from the Village.
2. The Commissioner is accused of erecting a dock without any permit, whether from the 
State or the Village, even though the Commissioner allegedly was advised by the Village 
in writing that he needed a permit from at least the Village to erect the dock. Further, the 
Commissioner is accused of erecting the dock in violation of Village property rights per an 
easement and is further accused of damaging Village property in the process. The 
Commissioner was allegedly asked about these events by the Sheriff’s Department, and 
allegedly falsely advised the inquiring deputy that he had the required permits from the 
State and the Village for the dock in question.

Per the above, the Commissioner is accused of not respecting the laws he is obligated to 
uphold and help enforce and implement as a Planning Commissioner. These issues, 
cumulatively, if not individually, constitute evidence of misfeasance or malfeasance of 
office.

Issues & Questions Specified: Should Council hold a public hearing on August 17, 2020 to consider 
Mr. Martinus’ removal from the Planning Commission for alleged malfeasance or misfeasance?

Alternatives: Do not hold a public hearing. Allow Mr. Martinus to serve the remainder of his term 

Financial Impact: Between May 2019 and June 30, 2020, the Village has spent $3,180.75 in legal 
fees attempting to get the Martinus’ to comply with various ordinances related to their 
properties at 207 & 209 S. Park.

Recommendations: Hold a public hearing on August 17, 2020 to determine Mr. Martinus’ ability 
(or lack thereof) to serve on the Village Planning Commission.

Attachments:

Photos of 209 S. Park taken 08/03/20 at 9:10 a.m.
Airbnb Advertisement
Planning Commission Minutes dated June 25, 2019
Letter to Martinus’ from Ron Bultje dated April 14, 2020
Letter to Jacob Patin (EGLE) from Ron Bultje dated April 29, 2020
Letter to Martinus’ from Ron Bultje dated July 16, 2020
Police Report 2020-05260034
Hosted by Marianne

 Joined in June 2016

177 Reviews   Identity verified   Superhost

Alm to please... Would give the shirt off my back. A softy at heart! Love waking up to the most incredible sunrise and sunsets; biking, fishing, fire pit, walking (bike/walking/run... read more

During your stay

Any questions you may have please let me know so I can assist.

Marianne is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.
1. **CALL TO ORDER**

Chairman Kaucheck, called the meeting to order at 7:01 p.m.

2. **ROLL CALL**

Present: Bohnhoff, Kaucheck, Martinus, Nauta, Van Leeuwen-Vega, and Van Strate.

Absent: Johnson

3. **APPROVAL OF THE AGENDA**

Motion by Van Strate, second from Bohnhoff, to approve the agenda as presented. All in favor, motion carried.

Yes: 6  No: 0

4. **APPROVAL OF THE MINUTES:** May 28, 2019 regular meeting

Motion by Nauta, second from Van Leeuwen-Vega, to approve the minutes from the May 28, 2019 regular meeting. All in favor, motion carried.

Yes: 6  No: 0

5. **PUBLIC HEARINGS**

A. **510 Buena Vista Drive:** The Planning Commission will consider a request for a Special Use Permit for a Short-Term Rental located at 510 Buena Vista Drive, Permanent Parcel Number 70-03-15-448-001.

Chairman Kaucheck introduced this item. Howland gave an overview of this Short-Term Rental request explaining that the home at 510 Buena Vista Drive was a certified long-term rental located in the SFR-A Zoning District where the minimum lot size was 8,000 sq. ft. and that the subject property appeared to meet that standard.
Howland said staff estimated that the sleeping occupancy would be 7 for the 2-bedroom home based on a square footage calculation per the International Property Maintenance Code which would require 3 parking spaces but since the property only had two parking spaces located on private property – one in the garage and one in the driveway, the sleeping occupancy will be limited to 6 people. Howland said the only outdoor congregating area was a covered front porch, and the backyard was fully enclosed by a fence.

Motion by Bohnhoff, second from Van Leeuwen-Vega, to open the Public Hearing at 7:04 p.m. All in favor, motion passed

Yes: 6 No: 0

Mr. Bruce Thomas, 510 Buena Vista, explained that he and his wife currently spent most of his time in Maryland and had owned the Spring Lake property since 2005 and started renting it out in 2006. Mr. Thomas explained that he has had primarily the same 3 in season renters the entire time they have rented the home and then rent from August or September through the winter, and to his knowledge, there have never been any issues and he planned to keep it that way. Mr. Thomas asked if he were to sell this property, would the Special Use Permit transfer to the new owner? Howland said that the Special Use Permit for the Short-Term Rental could come back to the Planning Commission and if the new owner agreed to all the terms of the Special Use Permit, then it could be transferred, but the Planning Commission would need to be involved.

The Planning Commission had no questions for Mr. Thomas.

Motion by Bohnhoff, second from Martinus, to close the Public Hearing at 7:08 p.m. All in favor, motion carried.

Yes: 6 No: 0

Motion by Van Leeuwen-Vega, second from Bohnhoff, to approve the request for a Special Use Permit for a Short-Term Rental located at 510 Buena Vista Drive, Permanent Parcel Number 70-03-15-448-001, subject to the following conditions:

a. With two parking spaces on the property, sleeping occupancy will be limited to six (6) people. The sleeping occupancy will be verified by the building official upon inspection.

b. The short-term rental shall be maintained in compliance with the submitted site plan and floor plan.

c. The applicant will comply with any other local, state, and federal laws, including revisions required by the Fire Chief and Village Engineer.

d. The applicant will comply with all verbal representations.
All in favor, motion carried.

Yes: 6 No: 0

B. **207 South Park Street**: The Planning Commission will consider a request for a Special Use Permit for a Short-Term Rental located at 207 South Park Street, Permanent Parcel Number 70-03-15-364-009.

Planning Commission member Martinus recused himself due to a conflict of interest as the property owner.

Chairman Kaucheck introduced this item. Howland gave an overview of this Short-Term Rental request explaining that the home at 207 South Park Street was a certified long-term rental and located in the SFR-B Zoning District where the minimum lot size was 8,000 sq. ft. and the subject property had an area of approximately 6,750 sq. ft. but, Howland noted, there was not a lot of overcrowding in that neighborhood so she was not concerned about buffering it from any other residential use. Howland said there was a proposed paved driveway because, at this time, they did not have a driveway, so the site plan showed a proposed paved driveway that would accommodate two vehicles. Howland explained that staff estimated the sleeping occupancy would be 6 for the 2-bedroom home based on a square footage calculation per the International Property Maintenance Code and that an attached deck provided on the south and east sides of the home was no closer than 90 feet to any property line, so it did not appear to be too close to neighboring properties.

Motion by Nauta, second from Van Strate, to open the Public Hearing at 7:13 p.m. All in favor, motion carried.

Yes: 5 No: 0

Marianne Martinus explained that she had been the owner of the property for about 31 years and the nice thing about this being a short-term rental was that they lived right next door so if there was anything they didn’t like going on they could speak to the tenants right away, but they have never had any issues. Mrs. Martinus said that they had had a grass driveway since they owned the property, but they had just received approval for a driveway that would be put in as soon as the weather allowed.

Lee Schuitema, 408 W Exchange, said that the proposed property was right in his back yard and that the grass driveway always grew back didn’t look bad, so he didn’t see why grass needed to be dug up to make a driveway. Howland explained that a paved driveway was a requirement to the Ordinance and there was no way to get around that.
Motion by Van Strate, second from Nauta, to close the Public Hearing at 7:16 p.m. All in favor, motion carried.

Yes: 5  No:  0

The Planning Commission had no questions for Mrs. Martinus.

Motion by Nauta, second from Van Leeuwen-Vega, to approve the request for a Special Use Permit for a Short-Term Rental located at 207 South Park Street, Permanent Parcel Number 70-03-15-364-009, subject to the following conditions:

a. The sleeping occupancy is estimated at six (6) people, which requires two (2) parking spaces. The sleeping occupancy will be verified by the building official upon inspection.
b. The proposed driveway must be installed as shown on the site plan. A permit will be required for the improvements within Village right-of-way.
c. The short-term rental shall be maintained in compliance with the submitted site plan and floor plan.
d. The applicant will comply with any other local, state, and federal laws, including revisions required by the Fire Chief and Village Engineer.
e. The applicant will comply with all verbal representations.

All in favor, motion carried.

Yes: 6  No:  0

C. 411 West Savidge Street: The Planning Commission will consider a request for a Special Use Permit and Site Plan Review for a renovation of an existing building into a restaurant with drive-through located at 411 West Savidge Street (parcel #70-03-15-356-001).

Chairman Kaucheck introduced this item. Howland gave an overview of this Special Use Permit and Site Plan Review explaining that this request was for a restaurant with a drive-through located at 411 W Savidge and the proposed tenant was Brooklyn Bagels. Howland further explained that the operation must comply with Section 390-196 and 390-199.B.13 of the Zoning Ordinance and the applicant had provided written responses and plans that addressed these standards, specifically, one access point would be provided on Cutler and Savidge Streets, sufficient stacking would be provided, and six (6) parking spaces provided beyond the pickup window. Howland noted that the property was surrounded on all sides by commercial uses, so the dense evergreen vegetative buffer was not required and access to the property would be via one curb cut on Savidge and one curb cut on Cutler, which was a reduction from the current two curb cuts per street. Howland said the applicant proposed to encroach into the Village-owned Cutler
Street right-of-way to provide additional parking spaces and that the use of Village property for private purposes must be approved by the Village Council via an encroachment permit and at the same time, the existing pole sign, which was located in Village property, would also need to be approved via an encroachment permit. Howland explained that the applicant proposed to shift the public sidewalk on Cutler Street approximately 17 feet west, which put it close to the vehicle travel path, so staff recommended that the sidewalk be shifted as far east as possible for safety reasons. Howland said the site would have a one-way circulation pattern with arrows painted on the pavement to direct drivers around the site and that a total of 12 parking spaces were required; the plans provided 17 spaces. Howland said a dumpster enclosure constructed of masonry materials to match the building would be constructed in the northeast corner of the site and landscape areas would be provided around the perimeter of the property and Michigan native plant species would be utilized where possible. Howland said the former service station would be renovated into the restaurant with a cooler addition added in the northwest portion of the building and the original enamel panels and CMU block would be restored and painted using the provided exterior color palette for the Planning Commission’s information. Howland said the applicant had not yet provided the Village the required engineering Storm Water Management and Utilities information so, as a result, the Village Engineer had not reviewed the plans for conformance with applicable ordinances but once they were submitted, it there was any concerns, she would bring them back to the Planning Commission.

Kaucheck asked if there was any concern with in-ground tanks left on the property. Howland said that would be a question for the applicant. Van Leeuwen-Vega asked what the measurement was between the sidewalk and street. Howland said it was approximately 4 feet between the edge of the proposed sidewalk to where the curb started.

Motion by Nauta, second from Bohnhoff, to open the Public Hearing at 7:23 p.m. All in favor, motion carried.

Yes: 6  No: 0

Chris Markham, Landscape Architect at Paradigm Design and Project Manager, explained that by eliminating one of the curb cuts they would utilize one-way traffic to create a continual flow through the parking lot to either a parking space or enter the que line for the drive-through window. Mr. Markham said they would maintain the building as is but would be painting it and adding a covered outdoor cooler space. Mr. Markham said the sign would be in the existing sign site and since he was the Landscape Architect, 90% of the landscaping would be Michigan native plants. Mr. Markham explained that the sidewalk placement was a challenge
because there was a fire hydrant in the pathway that they had to work around, but they could possibly move it over a couple of feet east.

Trent Dyer, accompanied by his grandparents, parents and brother, said that Brooklyn Bagel’s was a family owned business with 3 locations in Muskegon, that his dad started almost 20 years and was a bagel shop, bakery and café that specialized in bagels and bagel sandwiches for breakfast, lunch and dinner, with a full barista bar that served smoothie drinks and specialty coffees from Magnum coffee. Mr. Dyer said everything was made in house and buy local whenever possible. Mr. Dyer said he and his family were more than excited to come and be a part of this community.

Kaucheck asked who would have to approve the curb cuts they were planning. Mr. Markham said MDOT would have to approve. Kaucheck asked if there were any tanks left underneath that property. Ms. Kim Van Kampen, 15721 Little Field Ln. Spring Lake, said she was told all tanks had been removed.

Bohnhoff asked if the colors would be consistent with their other stores. Ms. Van Kampen said she was the designer on this store and it would not be exactly the same but would have a cozier, warmer feel, unique to Spring Lake.

Motion by Nauta, second from Van Strate, to close the Public Hearing at 7:32 p.m. All in favor, motion carried.

Yes: 6 No: 0

Van Strate said that he was fine with the plan as long as the sidewalk/fire hydrant issue was resolved. Howland said that if there was a fire hydrant in the way, it did not show on the plan, so for safety reasons, moving it as far as possible to the east would be preferred. Van Leeuwen-Vega said that the sidewalk was her only concern also. Martinus said he was excited for the opportunity to have Brooklyn Bagel to join the community. Bohnhoff asked if some kind of brick/wrought iron structure between the sidewalk and Cutler was an option. Howland said she would have to speak to the DPW Director in regard to adding another obstruction in the right of way.

Motion by Bohnhoff, second from Van Strate, to approve the request for a Special Use Permit and Site Plan Review for a renovation of an existing building into a restaurant with drive-through located at 411 West Savidge Street (parcel #70-03-15-356-001), subject to the following conditions:

a. The public sidewalk on Cutler Street must be shifted east to provide additional separation from Cutler Street.

b. An encroachment permit must be granted by the Village Council for improvements within the Village right-of-way, including parking and signage.
c. MDOT must approve changes within their right-of-way, including closure and modifications to the curb cuts on Savidge Street.
d. Parking lot arrows must be shifted to appropriately reflect vehicle circulation patterns.
e. Landscaping shall utilize Michigan native species where possible.
f. The applicant will comply with all Village Engineer requested plan revisions.
g. The dumpster enclosure must be constructed of masonry to match the building.
h. The applicant will comply with any other local, state, and federal laws, including revisions required by the Fire Chief and Village Engineer.
i. The applicant will comply with all verbal representations.

All in favor, motion carried.

Yes: 6  No: 0

6. STATEMENTS OF CITIZENS ON ITEMS NOT ON THE AGENDA

Darcy Dye, 114 N Fruitport, gave an update on the Adopt A Garden Program, noting that there were now 29 butterfly pocket gardens. Dye said she had officially stepped down in her current capacity as full-time un-paid landscape gardener for the Village and would be working with staff to scale back the program, so it truly was a volunteer job and not a full-time job for 2020 and they would probably be working with a smaller core group of dedicated volunteers on a much smaller scale.

7. ADJOURNMENT

Motion by Nauta, second from Van Strate, the meeting adjourned at 7:38 p.m. All in favor, motion carried.

Yes: 6  No: 0

___________________________  _________________________
Jennifer Howland, Village Planner   Maryann Fonkert, Deputy Clerk
April 14, 2020

Via First Class Mail

Richard and Marianne Martinus  
209 South Park Street  
Spring Lake, MI 49456

Re: 207 and 209 South Park Street

Dear Mr. and Mrs. Martinus:

I am writing you in my capacity as attorney for the Village of Spring Lake. I am writing you at the request of the Village, in your capacity as owners of 207 and 209 South Park Street in the Village.

The Village and I understand that you have received a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for the construction of a dock. Apparently you have now also applied for a permit to construct a wall on your property in the Village.

You are of course aware that the Village has a permanent easement across your property in the Village for bike path purposes. The Village obviously has a significant interest in protecting its rights under that permanent easement, as well as an interest in making sure that you do not breach your obligations under that permanent easement and become liable to the Village for that breach.

The Village is aware that the EGLE permit you obtained is subject to and conditioned upon your compliance with all applicable local requirements, which include not only compliance with the permanent easement requirements but also include compliance with all applicable ordinance requirements established by the Village.

The Village’s Zoning Ordinance requires permits to be obtained and regulations to be met for structures such as walls and docks. Therefore, to ensure that you do not violate the Village’s Zoning Ordinance, not to mention possibly breach your obligations under the Village’s permanent easement across your property, it is essential that you apply for and receive all required Zoning Ordinance permits for the structures you wish to build, before you begin their construction. Certainly, in considering your application for a permit under the Zoning Ordinance, the Village will take care to make sure that you do
not violate the obligations placed upon you by the Village’s permanent easement across your property.

The purpose of this letter is simply to make sure that you are aware of your obligations under the Village’s permanent easement, and the Village’s Zoning Ordinance, so that there are no innocent mistakes made by you in the construction of your proposed dock and wall. The Village looks forward to hearing from you in a timely matter if indeed you decide to pursue the construction activity conditionally permitted by the EGLE permit you recently received.

Thank you kindly for your careful attention to this correspondence. Please advise if you have questions or comments.

Very truly yours,

DICKINSON WRIGHT PLLC

Ronald A. Bultje

RAB:jls
cmp(via email): Ms. Christine Burns, Village Manager

4852-0718-3802 v1 [59146-21]
April 29, 2020

VIA EMAIL

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
ATTENTION: JACOB PATIN
PatinJ1@michigan.gov

Re: Richard K. and Marianne Martinus
209 South Park Street, Village of Spring Lake, Michigan
Pre-application File Number: HNT-OZ9H-PXWOX
Submission #: HNZ-2ZZZS-WYG8A, version 2

Dear Mr. Patin:

I am writing this letter in my capacity as Attorney for the Village of Spring Lake (the “Village”). I am writing on behalf of the Village in response to the application filed by Richard K. and Marianne Martinus (the “Applicants”) as owners of 209 South Park Street, in the Village (the “Property”), for a “garden wall.”

Included in the application material from the Applicants is a Reservation and Dedication of Public Bicycle Path and Walkway Easement (the “Easement”) granted by the Applicants to the Village on December 28, 2012. The key provisions in that Easement are as follows.

1. The Easement is perpetual and permanent.
2. The Easement is for sidewalks, boardwalks, security fencing, and barriers, with landscaping, all at the Village’s discretion.
3. The Village has the right to enter not only the Easement property, but also adjacent property in order to engage in construction, installation, maintenance, repair, replacement, re-installation, operation, and inspection, as necessary.
4. The Village has the right to enter the Easement property at any reasonable time.
5. The Village has the right to remove trees, brush, undergrowth, and other obstructions on the Property (i.e., not just on the Easement but on the
Property) which may interfere with the location, construction, maintenance, or repair of the constructed pathway on the Easement.

The Village states that the application has the following numerous inadequacies.

1. The plans are not engineered drawings and do not show the Easement. As a result, it is impossible to determine whether the proposed construction would interfere with the Village’s permanent and perpetual rights under the Easement.

2. On the east side, the Easement is 28 feet wide, and on the west side it is 41.04 feet wide. According to the legal description of the Easement, it extends to the water’s edge of the Grand River. The Applicants have not submitted a survey showing the Easement or the pathway in the Easement. The 15 foot area on the east end of the Property, on the drawings submitted by the Applicants, is labeled “easement” but that is not accurate.

3. An accurate survey must be submitted by the Applicants showing the proposed fence location on Property in order to determine whether the proposed construction could be accomplished without interfering with the Village’s rights under the Easement.

4. Because no topographic survey has been submitted by the Applicants, a review of the application does not reveal whether it would have any adverse impact on adjoining properties.

The storm water runoff from abutting properties drains southerly to the Grand River. The proposed construction may or may not have an impact on the overland drainage. No information has been submitted by the Applicants on that issue.

The Applicants have not submitted any information regarding drainage north of the proposed construction. How will that construction impact overland drainage to the Grand River? No information is given concerning that issue.

The Applicants’ plans show a drain tile to the south of the planned construction. The plans do not show how the overland drainage will be affected.

The Applicants’ plans show a retention basin, but they do not provide any details.
5. The Applicants’ plans do not address how the construction site for the proposed improvement will be accessed or how abutting properties will be protected during the construction process.

The fact is, the Applicants’ plans reveal certain violations which preclude their approval. These violations are as follows.

1. The Applicants have placed debris on the Easement property and thus violated the Easement. That debris must be removed and the Easement property must be restored before any additional construction activities should be approved in the area.

2. The construction proposed by the Applicants consists of a solid wall to be constructed on the Property. However, Section 390-11.B(1)(c) of the Village’s Zoning Chapter in its Code of Ordinances provides that for a waterfront lot, a fence or a wall in the rear yard, such as the proposed construction, must have 75 percent visibility. Therefore, the construction as proposed by the Applicants would not be and cannot be approved by the Village under its Zoning Chapter.

In summary, in order for the application to be properly considered, additional material must be submitted, including but not necessarily limited to the material described above. Once the application has been completed with all of the relevant information, and once it has been revised to comply with the requirements of the Village’s Zoning Chapter, the Village’s Engineer must have an opportunity to review those revised and completed plans to ensure that the Village’s requirements will be met and that the Village’s rights under the Easement will be maintained.

If you have questions or comments pertaining to the above, please advise.

Very truly yours,

DICKINSON WRIGHT PLLC

Ronald A. Bultje

RAB:jls

cc: Ms. Christine Burns, Village Manager (via email: christine@springlakevillage.org)
Mr. Lukas Hill (via email: LHill@springlaketwp.org)
Mr. Wally Delamater (via email: WDelamater@springlaketwp.org)
To: Richard Martinus  
From: Ronald A. Bultje  
Date: July 16, 2020  
Re: Village of Spring Lake Planning Commission

Mr. Martinus:

I am writing you in your capacity as a member of the Village of Spring Lake Planning Commission. I am writing you in my capacity as Village Attorney.

Pursuant to the Michigan Planning Enabling Act, you as a Planning Commissioner are subject to removal from office upon the filing of written charges, and after a public hearing before the Village Council, if the Village Council finds that you are responsible for misfeasance, malfeasance, or nonfeasance as a member of the Planning Commission.

I have received information that you are operating a short-term rental in the Village, without a valid permit from the Village, apparently in violation of a Village ordinance. In fact, just this month you were contacted by the Ottawa County Sheriff’s Department; in the course of that contact you and your wife had with the Sheriff’s Department, an acknowledgment was made that you own 207 South Park in the Village, and that you rent the dwelling located there even though you do not have the proper permit from the Village.

I have also received information that you erected a dock from your property in the Village without a permit, either from the State or the Village. I am aware that you were advised in writing by the Village that you needed a permit at least from the Village in order to erect the dock, and possibly from the State as well. When you were asked about this by the Sheriff's Department, you indicated that you had obtained all the necessary permits. However, you were unable to locate them at the time, and in reality it appears that you never obtained any permits for the dock. A review of these facts seems to indicate that you at least tried to mislead the Sheriff's Department with your statements regarding permits.

Even further, when you installed the dock without a permit, you damaged fencing belonging to the Village, properly located on a Village easement, in a way that is permanent and irreparable. You have not attempted to fix the damage, nor have you offered to pay for the damage.
Indeed, current pictures of the Village's bike path, properly located and constructed on an easement over your property, show that at best you have apparently created an eyesore that is dangerous to the public, and possibly committed even additional ordinance violations with your accumulation of junk and debris.

Obviously, as a Planning Commissioner, you are asked to review and rule upon applications made by property owners in and residents of the Village with regard to zoning applications and land-use requests. It is important that you fairly judge applications and properly apply the ordinances of the Village and the laws of the State to those applications. The integrity of the zoning process depends upon the fairness with which you and other Planning Commissioners apply the Village ordinances and the State law to the various applications that come before you. Further, the manner in which you keep your own property is in fact a reflection on the Village itself, given your position on the Planning Commission.

My question to you is how can you fairly and properly evaluate and judge an application made to the Planning Commission when you seem to so cavalierly and openly disregard Village ordinances and State laws when dealing with your own property? How can you effectively vote to deny an application that fails to meet the requirements of Village ordinances or State laws when the property you own in the Village is apparently in violation of Village ordinances and State laws in multiple ways? How can the condition of your own property be any kind of positive incentive to others to keep their property in the Village in a neat, orderly, and lawful manner?

Given the above, I have advised the Village Council about the procedure it could use to consider your removal from the Planning Commission, as allowed by the Michigan Planning Enabling Act. Certainly, the allegations that you have damaged Village property, ignored Village ordinances, and violated State laws are serious considerations and provide the basis for the Village Council to consider your removal from the Planning Commission. At this point, the Village Council has not taken any formal action against you. However, there can be little doubt that formal action will be seriously considered against you if a proper resolution of the above-described situations is not promptly achieved.

I have been asked to direct you to either stop renting your dwelling at 207 South Park Street in violation of Village ordinances, or obtain the necessary permits for the rental; to remedy the damage done to the Village fence when your dock was installed; to obtain the necessary permits for your dock; and to remove junk and debris from your property in order to make it more presentable and safe. Further, you are to accomplish all of this by August 1, 2020. If you continue to apparently ignore and flagrantly violate the ordinances and laws which you are charged to uphold as a Planning Commissioner, the Village Council will have little alternative but to consider proceeding through the process of removing you as a Planning Commissioner, which process would include written charges against you and a public hearing to discuss you, all prior to a determination of whatever misfeasance, malfeasance, or nonfeasance you have committed as a member of the Planning Commission.
Your prompt and effective attention to these matters will be greatly appreciated and will give all sides an opportunity to avoid an unpleasant and embarrassing encounter.

If you have questions, please advise.

Very truly yours,

DICKINSON WRIGHT PLLC

Ronald A. Bultje

RAB:jls
cc: Mrs. Christine Burns, Village Manager (via email)

4829-4174-5603 v1 [59146-21]
## Case Report

### Compact

**Case Details:**

- **Case Number:** 2020-05260034
- **Location:** 209 S PARK ST, Spring Lake Village, MI 49456
- **Incident Type:** Ordinance Violation
- **Occurred From:** 05/26/2020 09:13
- **Occurred Thru:** 05/26/2020 09:13
- **Reported Date:** 05/26/2020 09:13 Tuesday
- **Status:** Open
- **Status Date:** 05/26/2020
- **Disposition:** Pending Prosecutor
- **Disposition Date:** 07/10/2020
- **Reporting Officer ID:** 467-Buter
- **Assigned Bureau:** Patrol
- **Solvability Factors:**
  - Photo/Video Exists
  - Weight
  - Total: 0.000

### Offenses

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<th>No.</th>
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<th>Crime Code</th>
<th>Statute</th>
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<td>1</td>
<td>State</td>
<td>99009</td>
<td>9680</td>
<td>Assist Other Agency</td>
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<td>2</td>
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<td>2903</td>
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### Offense # 1

- **Group/ORI:** State
- **Crime Code:** 99009
- **Statute:** 9680
- **Counts:** 1
- **Attempt/Commit Code:** Completed
- **Offense Date:** 05/26/2020
- **Scene Code:** 50 - Park/Playground
- **Bias/Motivation:** None
- **Gang Related:** No

### Offender Suspected of Using

- **Alcohol:** No
- **Drugs:** No
- **Computer:** No

### Offense # 2

- **Group/ORI:** State
- **Crime Code:** 29000
- **Statute:** 2903
- **Counts:** 1
- **Attempt/Commit Code:** Completed
- **Offense Date:** 05/26/2020
- **Scene Code:** 16 - Lake/Waterway
- **Bias/Motivation:** None
- **NCIC Code:** 2903

### Subjects

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<th>Type</th>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
<th>Race</th>
<th>Sex</th>
<th>DOB/Age</th>
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<tbody>
<tr>
<td>Police Officer</td>
<td>1</td>
<td>Buter 467, Deputy Brian</td>
<td>12220 FILLMORE ST Olive Twp, MI 49460</td>
<td>(616)738-4000</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Suspect</td>
<td>1</td>
<td>Martinus, Richard Kim</td>
<td>209 S PARK ST Spring Lake Village, MI 49456</td>
<td>(616)745-2165</td>
<td>White</td>
<td>Male</td>
<td>05/07/1954 66</td>
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<td>Victim</td>
<td>1</td>
<td>Spring Lake Village</td>
<td>102 W SAVIDGE ST Spring Lake Village, MI 49456</td>
<td>(616)738-4000</td>
<td>White</td>
<td>Male</td>
<td>12/23/1954 66</td>
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<tr>
<td>Witness</td>
<td>1</td>
<td>Martinus, Marianne</td>
<td>209 S PARK ST Spring Lake Village, MI 49456</td>
<td>(616)738-4000</td>
<td>Asian/Pacific Islander</td>
<td>Female</td>
<td>12/23/1958 61</td>
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</table>
Case Report
Compact

Print Date/Time: 07/13/2020 15:14
Login ID: zanta
Case Number: 2020-05260034

Subject # 1-Police Officer
Primary: No
Name: Bute 467, Deputy Brian
Address: 12220 FILLMORE ST
Olive Twp MI 49460
Primary Phone: (616)738-4000

Subject # 1-Suspect
Primary: No
Name: Martinus, Richard Kim
Address: 209 S PARK ST
Spring Lake Village MI 49456
Primary Phone: (616)745-2165
DVL #: M635773-469349

Resident Status: Resides in County

Related Offenses
Group/ORI Crime Code Statute Description
State 99009 9680 Assist Other Agency

Subject # 1-Victim
Primary: No
Name: Spring Lake Village
Address: 102 W SAVIDGE ST
Spring Lake Village MI 49456

Related Offenses
Group/ORI Crime Code Statute Description
State 99000 9603 MDOP - Public Property

Subject # 1-Witness
Primary: No
Name: Martinus, Marianne
Address: 209 S PARK ST
Spring Lake Village MI 49456

State: Resides in County

Related Offenses
Group/ORI Crime Code Statute Description
State 99009 9680 Assist Other Agency

Arrests

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Property

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<td>88 - Other</td>
<td>/Vandalized</td>
<td>Damage to dock and fence</td>
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<td></td>
</tr>
</tbody>
</table>
Case Report
Compact

Print Date/Time: 07/13/2020 15:14
Login ID: zanta
Case Number: 2020-05260034

Seq #1

Property Codes: Destroyed/Damaged
Property Type: 88 - Other
UCR Value: $0 to $49
Initial Value: $1.00
Date Received: 05/26/2020

Quantity: 1.000
Unit of Measure: Each
Description: Damage to dock and fence

Vehicles

<table>
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<th>Role</th>
<th>Vehicle Type</th>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>Color</th>
<th>License Plate</th>
<th>State</th>
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</table>

Page: 3 of 7
20-05260034

Ordinance Violation

Dep. Buter

Info:

I was assigned this observe & report ordinance violation by Sgt. Kik on 5/26/20. He had gotten a group email from Village manager Burns re: Martinus placing a dock on Village of Spring Lake property along the Grand River. He asked me to gather photos and a interview of Martinus if he was home.

Photos:

Upon arrival I took approximately a dozen photos of the boat dock that Martinus had placed on village owned property without gaining a permit.

Interview Richard Martinus:

After gathering the photos I spoke to Martinus this interview took place on 5/26/20 at 0905hrs.

I advised Martinus why I was at his home and he immediately said that he had gotten all the necessary permits for the dock. He told me that Lucus Hill had issued one from the Village of Spring Lake and that he also had acquired permits from the MI-DNR and from the Army Corps of Engineers. When I asked if I could see those he stated that his wife maintains them and she wasn't currently home.

Dispo:

Closed, this information and photos will be forwarded to the Village of Spring Lake for enforcement action.
Supplemental report

20-05260034

Job # 187972

Summary:

This dictation covers an interview that took place today, July 7th at the request of Captain Wolffis to follow up and submit on this incident for MDOP. Please see the dictation for the full information.

Photos:

14 additional photos were taken of the dock and surrounding area while I was there.

Dispo:

Open, TOT prosecutor’s office for review
INFORMATION:

I was contacted by Captain John Wolffis on this date of July 7, 2020. Captain Wolffis as that I return to the Martinus address of 209 South Park St in Spring Lake Village and re-interview Richard Martinus. Captain Wolffis indicated that the village was requesting a review for malicious destruction of property charges on the actions that Mr. Martinus did to install his dock adjacent to an easement that the village has by his property of 209 South Park Street.

Captain Wolffis as that I respond, interview Mr. Martinus, and then submit a supplemental report to be forwarded to the Prosecutor for review.

PHOTOS:

While arriving on scene, I first took a new set of photos of which were approximately fourteen digital images and all have been loaded into the digital evidence storage system. They show the overall dock as well as the rail or fencing that the village had put up that appears to be jeopardized. The remains of the piping and other items that were damaged or removed are still laying on the dock on the walkway just to the west of the dock that Mr. Martinus has put in.

INTERVIEW RICHARD MARTINUS:

On making contact with Mr. Martinus I asked him if he remembered my initial contact with him on May 26, he indicated he did. I indicated to Mr. Martinus that the village was not requesting additional report be forwarded reference the action he took on the fencing that the village had installed.

Mr. Martinus indicated “there’s just no communication.” He indicated this was reference to him trying to speak to anyone to the village about installing his dock.

I indicated to Mr. Martinus that initially on our first contact on May 26, 2020 he told me that the damage wasn’t permanent and he could fix that, however, when I spoke to him today he stated “I can’t fix that.”

I talked to Mr. Martinus and indicated to him that I was advised that the reason he had gotten the permit from the DNR was that the permit which was never in fact issued from the village had been told to DNR was in fact in hand. He was advised that what I learned was that he had either falsified his permit status or had not told the DNR the truth about having a permit from the village and that was while I was here today to ask about that. Mr. Martinus stated “I thought I did everything right.” He further went on to say, “at first it cost $500.00 then it’s $1,000.00 finally I got frustrated and turned this over to my wife.”

Mr. Martinus stated prior to going back to the house that he thought the permit was in fact issued, therefore, he did install the dock. He indicated that he and his wife had a dock that was just to the west of the one he had improperly put in; however, it’s been underwater and unusable for a lengthy period of time. With this, Mr. Martinus asked me to speak with his wife Marianne about this as he stated she had gathered the permits.
INTERVIEW MARIANNE MARTINUS:

Mrs. Martinus indicated after her husband went back inside the residence that she was “working on a change order.” She indicated that initially when they started they process to request the dock they had utilized the address of 207 South Park which is a dwelling that they own and they rent out. She indicated that she learned that the efforts to obtain a dock would be much more exhaustive to maintain that address, so she indicated that she was in contact with the building inspector or manager for the village. She indicated his name was Lucas, who told her to change the requested attachment to the address of 209 South Park Street. She indicated she had been working with this and has been attempting to do that satisfactorily. She indicated that her permit is from EGLE which she indicates is the DNR permit and stated that she thought everything was appropriately done to obtain the dock.

Mrs. Martinus indicates they’re extremely frustrated with this entire process as their house has flooded five times since the heavy increase in water damage and she indicated she and apparently her husband got frustrated with the process for the requested dock and indicated they move forward thinking they have everything done appropriately and she admitted that this was somewhat out of frustration as well.

ADDITIONAL INFORMATION:

Please forward this report to the Prosecutor’s Office for review for malicious destruction of property.

CHARGE:

Charge requested for Richard Martinus is for malicious destruction of property per Mr. Martinus’ own admission he could not fix the fencing that the village put up on an easement walkway and it is permanently damaged or irreparable. The items that he did take apart are still laying on the decking, but again he indicates that it is non-fixable.

DISPOSITION:

Open, turn over to Prosecutor for review.
Mark,

Lori (our Utility Billing Clerk) contacted our software provider and they updated the utility bills (attached). If your meter is actually read, your bill will say “auto” (for auto read); if it is estimated, it will say “est”. Thanks for bringing this to our attention. It slipped by when the bills were redesigned.

If there’s anything else I can assist you with, please let me know. Have a great weekend!

Fondly,

Chris

---

Mark,

Is your address 416 Buena Vista by chance? I didn’t see it listed in the email so I did a quick search.

Here is a link to our ordinance regarding groundwater use. As you can see by looking at section 208.5 Wells

“...no person shall install or utilize, or allow, permit, or provide for the installation or utilization of a well in any restricted zone. Except as provided in § 208-6, no person shall use any groundwater from any property located within a restricted zone.”

https://ecode360.com/29460432?highlight=well,wells&searchId=20189410451089164#29460432

Exceptions are listed in section 208-6. Furthermore, section 208-8 indicates that non-conforming wells should be capped.

If you wish to irrigate, you should know that we do offer summer sewer credits to offset your quarterly bill. You still have to pay for the water consumption, but you’re not paying for it to go down the sewer and be treated. It is automatically applied during the summer months. If you curious to know more about how the summer sewer credit works, I would be happy to speak with you about it.

If you have further questions, please let me know.
Hi Gordon,

What if there is already a well on the property? May I run a sprinkler system off the well? Not for drinking/household use, only for irrigation.

Thanks for your timely response Gordon.

Enjoy the day...

Mark

On Jul 27, 2020, at 10:51 AM, Gordon Gallagher <GGallagher@springlaketwp.org> wrote:

Good Morning Mark,

Thank you for your question about putting in a well for irrigation in the Village of Spring Lake.

Unfortunately that is not allowed.

There is the opportunity to receive sewer use credit water used for irrigation. Please let me know if you need further information.

Best Wishes,

Gordon Gallagher
Gordon Gallagher
Spring Lake Township Manager
(616) 844-2103  (direct dial)
(616) 502-7161  (cell phone)
ggallagher@sltwp.org
TO: Village President Mark Powers & Council Members
FROM: Chris Burns, Village Manager
DATE: August 7, 2020
RE: Zoning Ordinance Adoption

**Background:** On January 14, 2019, the Village entered into an agreement with Williams & Works to amend the Village’s Zoning Ordinance. Over the course of the past 18 months staff has been working diligently with Andy Moore of Williams & Works to address the shortcomings in our prior ordinance and the needs of the Village moving forward. Prior to Covid-19, the Village held several community engagement meetings as well as joint meetings between various committees to discuss hot-button issues such as digital reader boards and zoning districts. On July 28, 2020 the Planning Commission held a public hearing regarding the adoption of the proposed Zoning Ordinance. The proposed Zoning Ordinance is now ready for Council review.

**Issues & Questions Specified:** Should the Village adopt the proposed Zoning Ordinance?

**Alternatives:** Do not adopt proposed Zoning Ordinance.

**Financial Impact:** N/A

**Recommendations:** Adopt the proposed Zoning Ordinance as presented.

**Attachments:**
Staff Memo
Zoning Ordinance
Map
MEMORANDUM

Date: July 22, 2020

To: Village of Spring Lake Planning Commission

From: Stacey Fedewa, AICP – Village Planner

Subject: Zoning Ordinance Draft 7.9.2020

BACKGROUND

The Planning Commission’s June 2020 meeting reviewed a couple more amendments to the draft. Staff have incorporated those changes and are summarized below:

1. Sign Area measurement – modified to the typical rectilinear method. See pages 123-124

2. More robust digital sign provisions, including a method to measure the light intensity. See Section 390-105 beginning on page 131.

3. Zoning Map has been modified for the Spring Lake Family Dentistry and Callen Engineering sites to be in the Community Commercial District instead of the central business district.

NEW ADDITIONS

There were two new items that arose over the last month.

1. Public Service Signs – now exempt, including a digital sign, but they have to be approved by Village Council first. It should be noted, that if the Village ever exercised this provision, the digital sign would exemplify the spirit and intent of the new digital sign regulations. The specific text will be included in next draft.

2. The Village President requested an addition to the ordinance. In brief, the President wants to prevent dwellings from being demolished and converted to a parking lot. See Section 390-113, beginning on page 137.
In the previous draft, the ordinance allowed administrative approval for <10 parking spaces. That has been removed to require all parking lots be approved by the Planning Commission. See Section 390-137.26 on page 165.

**SAMPLE MOTIONS**

If the Planning Commission finds the revised draft of the zoning ordinance and zoning map satisfactory, the following motion can be offered:

**Motion to recommend the Village Council approve** the revised draft of the Village zoning ordinance and zoning map.

If the Planning Commission finds the draft needs more revisions prior to being forwarded to the Council, the following motion can be offered:

**Motion to table** the revised draft of the Village zoning ordinance and zoning map, and direct staff to address the following:

1. *List revisions here…*

Please contact me if this raises questions.
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ARTICLE I  TITLE, PURPOSE, AND SCOPE

Section 390-1. Title.
This Chapter shall be known and may be cited as "Spring Lake Village Zoning Ordinance."

Section 390-2. Purpose.
This Chapter is based on the Village of Spring Lake Master Land Use Plan and is intended and
designed to regulate the use of land and structures, and to accomplish all of the following:
A. to promote the public health, safety, and welfare;
B. to ensure that the use of land shall be situated in appropriate locations and relationships;
C. to limit the inappropriate overcrowding of land and congestion of population, transportation,
and other public facilities;
D. to facilitate adequate and efficient provision for transportation systems, sewage disposal,
water, energy, education, recreation and other public service and facility needs;
E. to encourage the use of lands and natural resources in the Village in accordance with their
character and adaptability;
F. to limit the improper use of land;
G. to provide for the orderly development of the Village; and
H. to reduce hazards to life and property.

Section 390-3. Scope.
Where any provision of this Chapter imposes either greater or lesser restrictions, limitations,
conditions, standards or requirements upon 1) the use of buildings, structures or land, 2) the
height of buildings or structures, 3) lot coverage, 4) lot areas, 5) yards or other open spaces, or
(6) any other use, activity or conduct which is regulated by this Chapter, than any comparable
restriction, limitation, condition or requirement contained in any other provision of this Chapter or
any other ordinance, law or regulation, the provision which is more restrictive or limiting, or
which imposes the higher condition, standard or requirement shall govern.

A. This Chapter shall not abrogate or annul any easement, covenant, or private agreement.
Where any provision of this Chapter is more restrictive or imposes a higher standard or
requirement than such easement, covenant, or other private agreement, the provision of this
Chapter shall govern.

B. Zoning applies to every building, structure, or use. No building, structure, or land shall be
used or occupied, and no building or structure or part thereof shall be erected, moved,
placed, reconstructed, extended, enlarged or altered, except in conformity with this Chapter.

C. The regulations herein established shall be the minimum regulations for promoting and
protecting the public health, safety, and welfare.
Section 390-4. Effective date.

This Chapter was adopted by the Village Council on [date], and is ordered to take effect upon the expiration of eight (8) days following publication of adoption in The Grand Haven Tribune, a newspaper having general circulation in the Village, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

Section 390-5. Legislative authority

This Chapter is enacted in accordance with the Zoning Enabling Act, PA 110 of 2006 (MCL 125.3101 et seq.), as amended.
ARTICLE II DEFINITIONS

Section 390-6. Construction of language.

The following rules of construction shall apply to the text of this Ordinance:

A. Except with respect to the headings contained in Section 390-7, the headings which title an article, section, or subsection of this Ordinance are for convenience only and are not to be considered in any construction or interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.

B. The illustrations contained within this Ordinance are intended to illustrate hypothetical applications of the provisions which refer to them, and shall not have the effect of enlarging or restricting the terms and provisions which refer to them, nor shall they be applicable to other provisions of this Ordinance which do not refer to them. In the event of any conflict between the provisions of the written text of this Ordinance and the illustrations, the written text shall govern.

C. Unless the context clearly indicates to the contrary: (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.

D. The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.

E. The term "building," "structure," "premises" or any similar term, shall be interpreted to include any part of the building, structure, premises, or other similar term unless otherwise stated.

F. The word "person" shall include a firm, association, partnership, joint venture, corporation, trust, municipal, or public entity, or equivalent entity or a combination of any of them as well as a natural person.

G. The words "used" and "occupied," as applied to any land, building, or structure, shall be construed to include the phrases "intended," "arranged," or "designed to be used" or "occupied".

H. The words "erected" or "erection" as applied to any building or structure, shall be construed to include the words "built," "constructed," "reconstructed," "moved upon" or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.

I. The particular shall control the general.

J. The word “herein” means this Ordinance.

K. The word “regulation” means the regulations of this Ordinance.

L. Lists of examples prefaced by "including the following", "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.

N. Terms not herein defined shall have the meanings customarily accepted.

Section 390-7. Definitions.

For the purpose of this Ordinance, the following terms and words are hereinafter defined:

**Section 390-7.01. “A”**

ACCESS PROPERTY. A property, parcel, or lot abutting a lake, and used or intended to be used, for providing access to a lake by pedestrian or vehicular traffic to and from offshore land regardless of whether said access to the water is gained by easement, common fee ownership, single fee ownership, lease, license, gift, business invitation or any other form or dedication or conveyance.

ACCESSORY, or ACCESSORY USE. A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces, or loading) located on the same zoning lot as the principal use to which it is related.

ACCESSORY BUILDING. A building, or a portion thereof, which is supplementary and/or subordinate to the principal building, or part of the principal building, on the same lot and occupied by or devoted exclusively to an accessory use. When an accessory building is attached to the main building in a substantial manner (such as a wall or roof), the accessory building shall be considered a part of the main building for setback purposes. Examples are private garages, carports, sheds, and gazebos.

ACCESSORY STRUCTURE. A structure which is clearly subordinate or incidental to a principal structure or principal use.

ADULT FOSTER CARE FACILITY. An establishment having as its principal function the receiving of adults for foster care as defined in Act 218 of 1979 (MCL 400.703 et seq.). It includes facilities and foster care Family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

A. Nursing Homes licensed under Part 217 of Act 368 of the Public Acts of 1978, as amended;
B. Hospitals for Persons with mental disabilities or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
C. County infirmary operated by a County department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
D. A child care institution, children’s camp, foster Family home, or foster Family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended, if the number of residents who become 18 years of age while residents, does not exceed statutory limits;
E. Homes for the aged licensed under Part 213 of Act 368 of the Public Acts of 1978, as amended;


G. Foster Family homes licensed or approved under Act 116 of the Public Acts of 1973 if a person 18 years of age or older is placed therein;

H. Areas excluded by Section 17(3) of Act 448 of the Public Acts of 2014;

I. Private residences with the capacity to receive at least (1) but not more than four (4) adults;

J. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for Persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and

K. A veteran’s facility created by Act 152 of the Public Acts of 1885, as amended.

ADULT FOSTER CARE FAMILY HOME. An adult foster care facility with the approved capacity to receive at least three (3) but not more than six (6) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the facility.

ADULT FOSTER CARE SMALL GROUP HOME. An adult foster care facility with approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

ADULT FOSTER CARE LARGE GROUP HOME. An adult foster care facility with the approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

ADULT FOSTER CARE CONGREGATE FACILITY. An adult foster care facility with the approved capacity to receive more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.

ASSEMBLY OPERATION. Buildings, structures, and premises used for the combining of parts into finished products and/or sub-assembly components for subsequent finishing on or off-site and for the packaging, repackaging, shipping, and receiving of previously manufactured components.

AUTOMOBILE GASOLINE STATION. Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the minor repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; but which does not include major automobile repair as defined herein.

AUTOMOBILE REPAIR, MINOR. A building and premises engaged in the general mechanical repair and maintenance of passenger automobiles and trucks weighing less than seven
thousand (7,000) pounds, where minor services may be rendered, including but not limited to oil change and general lubrication services, tire services, muffler repair, suspension and brake repair, retail and installation of batteries or other automobile supplies and accessories, and where other minor services may be rendered, not to include the following:

A. Major mechanical and body work, such as straightening of body parts, painting, and refinishing;

B. Storage of damaged automobiles not in operating condition, except those awaiting immediate service;

C. Other work creating noise, glare, fumes, or smoke.

AUTOMOBILE REPAIR, MAJOR. A building or land used for caring for, servicing, repairing, refinishing, equipping, adjusting or otherwise working on vehicles for compensation, including, but not limited to, major mechanical and body work, storage of damaged or inoperable vehicles awaiting repair, and other vehicle repair work creating noise, glare, fumes or smoke, or used for the storage and impounding of vehicles, not including wrecking, junking or salvaging vehicle parts.

AUTOMOBILE WASH. A building and equipment used for the commercial washing, waxing, and detailed cleaning of the interior and exterior of automobiles and trucks for the general public. Such facilities shall include self-wash, automated, and hand-wash facilities, as well as any combination thereof.

Section 390-7.02. “B”

BASEMENT. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (Figure 2.2).

BED-AND-BREAKFAST. A single-family dwelling in which transient guests are provided a sleeping room, breakfast, and access to bathing and lavatory facilities in return for payment.

BOAT. A vehicle used or capable of being used as a means of transportation on water.

BOAT SLIP. A parking space for the parking or storage of a boat.

BUFFER AREA. A landscaped open space free of development, structures, parking, and buildings, but which may include an obscuring wall, plantings and berms used to physically separate and screen one use or property from another so as to visually shield or block noise, lights, and other nuisances.

BUILDING. Any structure, either temporary or permanent, which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals, or personal property or for carrying on business activities or other similar uses.

BUILDING FOOTPRINT. The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, decks, and steps, and of awnings and nonpermanent canopies (Figure 2.1).
BUILDING FRONTAGE. That facade of the building that abuts the required front yard or corner front yard as stipulated in this Ordinance.

BUILDING HEIGHT. The vertical distance from the average level of the highest and lowest point of that portion of a lot covered by the building to the highest point of the roof surface, parapet wall, or other uppermost part. The highest and lowest point of the lot shall be measured from the existing natural grade prior to any site alteration, grading, or filling (Figure 2.2).
BUILDING OFFICIAL. The Person designated by the Village Council to administer and enforce the Building Code.

Section 390-7.03. “C”

CERTIFICATE OF ZONING COMPLIANCE. A permit issued by the zoning administrator pursuant to Section 390-152 of this ordinance.

CHurch. See place of public assembly.

Club or Lodge. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Community Support Facility. A charitable facility, place, or building that provides temporary transitional housing, free food and clothing, or other similar services to those in need and may include the administration of such programs on site. Any temporary housing is provided in individual single-family units or may be part of a multifamily facility. "Community support facility" does not include the following:

A. Sheltered housing such as a homeless shelter or women’s shelter;

B. An establishment commonly described as a residential facility for persons released from or assigned to adult correctional institutions.

Convenience Store. Any retail establishment containing less than 2,500 square feet of gross floor area that is designed and stocked to sell items such as prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
CURB-CUT. The opening along a curb line at which point vehicles may enter or leave the street.

Section 390-7.04. “D”

DAY CARE, COMMERCIAL. A facility, other than a private residence, receiving one or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

A. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not more than three (3) hours per day for an indefinite period, or not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve-month period.

B. A facility operated by a religious organization where children are cared for not more than three (3) hours while persons responsible for the children are attending religious services.

DAY CARE, ADULT. A facility, other than a private residence, that provides temporary care for periods less than twenty-four (24) hours for adults, over eighteen (18) years of age, who for reasons of age or physical and/or cognitive limitations are in need of supervised care. An adult day-care facility does not include adult foster care, nursing care facilities, or other facilities which require licensing from the State of Michigan.

DAY CARE, FAMILY. A single-family dwelling in which one (1) but less than seven (7) adults are received for care and supervision for periods of less than twenty-four (24) hours per day, or, in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

DAY CARE, GROUP. A single-family dwelling in which more than six (6) but less than twelve (12) adults are given care and supervision for periods of less than twenty-four (24) hours per day, or, in which more than six (6) but less than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related by blood, marriage or adoption to an adult member of the family occupying the single-family dwelling.

DECIBEL. A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dBA weighted scale as defined by the American National Standards Institute.

DECIDUOUS TREE. A tree that provides shade during the growing season and sheds leaves seasonally or at certain life cycle stages.

DENSITY. The number of dwellings per unit of land.

DISTRICT. A part, zone, or geographic area within the village within which certain zoning or development regulations apply.
DOMESTICATED ANIMAL. Animals commonly domesticated and kept in homes, including, but not limited to dogs, cats, birds, fish, rabbits, small rodents, small reptiles, and similar animals that do not represent an unusual risk to persons or property.

DRIVE-THROUGH BUSINESS. A principal use or accessory use of a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

DRIVEWAY. A private roadway providing access to a street.

DRIVEWAY, SHARED OR COMMON. A driveway serving two (2) or more structures or off-street parking areas, which are located on individual lots.

DUMPSTER. An accessory use of a property where trash or recyclable material, or other types of waste or refuse, is stored temporarily, having a capacity of at least one (1) cubic yard.

DWELLING. A building, or part thereof, that is used exclusively for human habitation and which provides complete living facilities, including permanent provisions for sleeping, cooking, eating, and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

DWELLING, ACCESSORY. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure and located on the same parcel of land as an existing single-family structure.

DWELLING, MULTIPLE-FAMILY. A building or portion thereof, designed for exclusive use and occupancy by three (3) or more families living independently of each other in individual dwellings.

DWELLING OWNER. A person holding legal or equitable title to a dwelling.

DWELLING, SINGLE-FAMILY. A building containing one (1) dwelling that is designed for exclusive use and occupancy by one (1) family and that is not attached to any other dwelling by any means.

DWELLING, TWO-FAMILY. A building containing two (2) attached dwellings that are designed for exclusive use and occupancy by two (2) families and having separate living, cooking, and eating facilities for each family.

Section 390-7.05. “E”

EDUCATIONAL INSTITUTION. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including a preschool, elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets state requirements, where applicable.

EMPLOYEE. A person employed by another for wages or salary.

ERECTED. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered a part of erection.
EVERGREEN TREE OR CONIFEROUS TREE. A cone-bearing tree whose foliage remains green and functional through more than one growing season.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, communication, electrical, steam, or water transmission or distribution systems; and collection, supply or waste disposal systems, including mains, drains, sewers, pipes, water pump stations, sewer lift stations, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment; and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions but not including buildings. Electric substations, natural gas regulator stations, radio broadcasting and receiving towers and equipment, or structures used in cellular telephone systems are specifically excluded from the definition of “essential public services.”

Section 390-7.06. “F”

FAMILY. A single individual or a number of individuals domiciled together whose relationship is of a continuing, non-transient, domestic character and who are cooking and living together as a single, nonprofit, housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals whose relationship is of a transitory or seasonal nature, or for anticipated limited duration of school terms, or other similar determinable period of time.

FARMER’S MARKET. A market usually held out-of-doors where farmers can sell produce, plants, prepared food, crafts, and similar items to the public.

FENCE. A vertical barrier constructed for the purpose of enclosing space or separating lots.

FINANCIAL INSTITUTION. Commercial establishments such as banks, credit agencies, investment companies, brokers, and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

FLOODPLAIN. That area mapped by the National Flood Insurance Program having a flood elevation that has a one percent chance of being equaled or exceeded each year, and as determined by the Federal Emergency Management Agency.

FLOODWAY. That area of land adjoining a river or stream that will be inundated by a 100-year flood, which, for the purposes of this Ordinance, is taken to mean the floodplain area mapped by the National Flood Insurance Program, as determined by the Federal Emergency Management Agency.

FLOOR AREA, GROSS. The sum of the horizontal areas of each story of a building or structure, including a basement but excluding a porch or other similar unenclosed area, measured from the interior faces of the exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet (Figure 2.3).
FLOOR AREA, RESIDENTIAL. The sum of the horizontal areas of each story of a residential dwelling, measured from the interior faces of the exterior walls or from the centerline of walls separating two (2) dwellings, but excluding areas of basements, unfinished attics, garages, carports, breezeways and enclosed or unenclosed porches.

FOSTER CARE FAMILY HOME. A single-family dwelling used in whole or in part as living quarters for a household including one (1) but not more than four (4) minor children, placed by a licensed child placement agency, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

FOSTER CARE GROUP HOME. A single-family dwelling used in whole or in part as living quarters for a household in which more than four (4) but less than seven (7) minor children, placed by a licensed child placement agency, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

FUNERAL HOME. A building or part thereof used for human funeral services and related activities such as embalming and the performance of other services used in the preparation of the deceased for burial; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; and facilities for cremation.

Section 390.7.07. “G”

GARAGE. An accessory building used primarily for the parking or storage of vehicles owned and operated by the residents thereof and other storage incidental to the permitted use of the principal building, and that is not a separate commercial enterprise available to the general public.

GRADE, FINISHED. A final elevation of the ground level after development.

GRADE, MEAN. The arithmetic mean of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure, or in the area between the foundation line and the lot line, in the case where the foundation line is less than five (5) feet from the lot line (Figure 2.2).

GREENBELT. A landscape area of definite width, height and location and containing plant materials of definite spacing designed and intended to serve as an obscuring device in carrying out the screening requirements of this Zoning Ordinance.

Section 390-7.08. “H”

HAZARDOUS SUBSTANCES. One or more of the following:

A. A chemical, toxic substance, or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
C. "Hazardous waste" as defined in Article II, Chapter 3, Part 111 of P.A. 451 of 1994, as amended, being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act.

D. "Petroleum" as defined in Article II, Chapter 8, Part 213 of P.A. 451 of 1994, as amended, being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act.

HOME OCCUPATION. Any occupation, profession, or activity carried out for financial gain from a residential property as a use clearly incidental and secondary to the residential nature of the property, where no article is sold or personal services rendered except such as are produced or performed by the home occupation itself and which may involve business activities generally conducted at other locations, or the sale or exchange of services at the residential property.

HOTEL. Any establishment offering transient lodging accommodations to the general public with access from interior lobbies, and which may provide additional services, such as meals or restaurant service, meeting rooms, entertainment, and recreational facilities. A "hotel" shall not be considered or construed to be a multiple-family dwelling.

Section 390-7.09. “I”

IMPERVIOUS SURFACE. Any material that prevents the absorption of stormwater into the ground.

INDOOR RECREATION FACILITY. An indoor facility, with or without seating for spectators, and providing accommodations for a variety of individual or organized sports, including but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide other regular organized events, including health and fitness club facilities, a swimming pool, retail sales of related sports, health, or fitness items, and other similar support facilities.

Section 390-7.10. “J” Reserved.

Section 390-7.11. “K” Reserved.

Section 390-7.12. “L”

LAND DIVISION. A land division as defined in the Land Division Act of the State of Michigan, being Public Act 288 of 1967, as amended.

LIBRARY. A public, nonprofit facility in which literary, musical, artistic, or reference materials such as, but not limited to, books, manuscripts, computers, recordings, or films, are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

LIVE/WORK. A building, or a part of a building used both as a dwelling and for any nonresidential use permitted in the zoning district in which the building is located.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
LOT. An undivided portion of land occupied or intended for occupancy by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and accessory uses, together with such yards, open spaces, and parking areas as may be present or required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT, CORNER. A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than 135°. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Zoning Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the side lot lines meet the curve or the straight street line extended, form an interior angle of less than 135° (Figure 2.5).

LOT COVERAGE. A part or percent of a lot occupied by buildings or structures including accessory buildings and structures.

LOT DEPTH. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line.

LOT LINES. The lines bounding a lot as defined herein:

A. FRONT LOT LINE. In the case of an interior lot, that line separating the lot from the public or private street. In the case of a corner lot or a through lot, that line separating the lot from either street. In the case of a waterfront lot, the lot line along the water shall be the front lot line (Figure 2.4).

B. REAR LOT LINE. That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line, at least ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, there shall be no rear lot line. In the case of a waterfront lot, the lot line separating the lot from the public or private street shall be the rear lot line (Figure 2.4).

C. SIDE LOT LINE. Any lot line not a front or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (Figure 2.4). In the case of a corner lot, the two lot lines opposite the front lot lines shall be considered side lot lines.

In the case where a lot has equal frontage on a right-of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:

1. Location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.

2. Location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

3. Traffic patterns and volumes on each street.
LOT OF RECORD. A lot whose legal description is recorded in the office of the Registrar of Deeds for the County of Ottawa, State of Michigan, as a part of a plat or subdivision or by metes and bounds.

LOT, WATERFRONT. A lot or parcel that has frontage on the Grand River, Spring Lake, or another navigable body of water (Figure 2.5).
LOT WIDTH. The horizontal straight-line distance between side lot lines, measured between the two (2) points where the minimum front setback line intersects the side lot lines (Figure 2.4).

Section 390-7.13. “M”

MANUFACTURED HOME. A factory-built, single-family structure that is manufactured or constructed under the authority of the National Manufactured Home Construction and Safety Standards Act, is wholly or substantially constructed at an off-site location, transportable in one or more sections, and is built on a permanent chassis, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of deliver to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

MARIHUANA, also known as MARIJUANA, also known as CANNABIS. The term shall have the meaning given to it in section 7601 of the Michigan Public Health Code, 1978 PAS 368, MCL 333.7106, as referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d). Any other term pertaining to marihuana used in this Chapter and not otherwise defined shall have the meaning given to it in the Michigan Medical Marihuana Act and/or the General Rules of the Michigan Department of Community Health issued in connection with that Act.

MARINA. A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include eating and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

MASTER PLAN. The comprehensive, long-range master plan intended to guide growth and development in the Village of Spring Lake, which includes recommendations on future land use,
economic development, housing, recreation, transportation, open space, and community facilities.

MEDICAL CLINIC. A facility for the medical or dental care, diagnosis, or treatment of sick, ailing, infirm and injured persons and those who are in need of medical, dental, or minor surgical care attention, but who are not kept on the premises for more than eight (8) hours, but not including the operation of a licensed primary caregiver pursuant to the Michigan Medical Marihuana Act.

MEDICAL USE OF MARIHUANA. The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient’s debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the Medical Marihuana Act, PA 2008, initiated Law, MCL 333.26421 et seq.

MOTEL. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

MULTI-TENANT COMMERCIAL ESTABLISHMENT. A building that houses more than one (1) business operated under common management, or a unified grouping of individual businesses, served by a common circulation and parking lot.

MUNICIPAL USES – UTILITIES. The generation, transmission, and/or distribution of electricity, gas, steam, communications, and water; the collection and treatment of sewage, stormwater, and solid waste; and the provision of mass transportation; as provided by the village or an instrumentality of the village or other governmental unit, entity or collaborative of which the village is a member or to which the village has consented.

Section 390-7.14. “N”

NATURAL FEATURE. Physical characteristics of the subject property that are not manmade such as woodlands, wetlands, or streams.

NONCONFORMING LOT. A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or other zoning regulations.

NONCONFORMING BUILDING OR STRUCTURE. A building, structure, or portion thereof existing on the effective date of this Ordinance, or amendments thereto, which thereafter does not conform to the provisions of the zoning district in which it is located, pertaining to minimum lot area, minimum lot width, minimum residential floor area, required yards, or maximum building height.

NONCONFORMING USE. A use of a building, structure or land in existence on the effective date of this Ordinance, or amendments thereto, which no longer conforms to the use regulations of the zoning district in which it is located.

NURSING HOME. A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons, licensed in accord with Article 17 of Act 368 of 1978, as amended.
Section 390-7.15. “O”

OFFICE BUILDING. A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a coffee shop or child-care facilities.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS. A permanent business including the sales and/or display of retail merchandise or services outside of a permanent structure, including but not limited to, new and used auto, boat, recreational vehicle, or manufacture home sales or rentals, nurseries, greenhouses, lawn and garden centers, and other similar uses.

OPEN SPACE. Any property or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for active or passive public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such Open Space, excluding easements for Streets or Private Roads.

ORDINARY HIGH WATER MARK. The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level.

OUTDOOR DINING. An area adjacent to or abutting space controlled by the user of a restaurant located within the sidewalk area, pedestrian plaza area of the public right-of-way, or rooftop, and used exclusively for dining, drinking, and pedestrian circulation.

Section 390-7.16. “P”

PARAPET ARTICULATION. A low wall or railing with architectural design which projects above the roof line (Figure 2.6).
PARK OR PARKLAND. A tract of land, designated, maintained, and used by the public for active and/or passive recreation and which is owned and controlled by a public entity or unit of government, not including the use of motorized recreational vehicles or as a shooting range.

PARKING LOT. See “Off-Street Parking Lot.”

PARKING SPACE. An area of definite length and width, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the parking of vehicles.

PATIO. A level, landscaped, and/or surfaced area at or within seven (7) inches of the finished grade and not covered by a permanent roof.

PET. See “Domesticated Animal.”

PERSONAL SERVICE ESTABLISHMENT. An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparels, including but not limited to barbershops or beauty shops, health and fitness salons, nail salons, and photographic studios, but not including a tattoo or piercing parlor.

PLACE OF PUBLIC ASSEMBLY. Buildings, structures, and grounds, including theaters, churches, auditoriums, convention space, stadiums, sports arenas, concert halls, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship, or similar activities involving assembled groups of people numbering thirty (30) or more.

A. SMALL PLACES OF PUBLIC ASSEMBLY. A place of public assembly shall be considered a small facility if it has less than two thousand (2,000) square feet in gross floor area, and total
A. SMALL PLACES OF PUBLIC ASSEMBLY. A place of public assembly shall be considered a small facility if it has less than two thousand (2,000) square feet in gross floor area, total seating capacity of no more than one hundred (100) in the largest room or space intended for public assembly, and no capacity to expand to meet either of the preceding standards.

B. LARGE PLACES OF PUBLIC ASSEMBLY. A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room or space intended for public assembly, or the capability to expand to meet these standards in the future.

PLANNED UNIT DEVELOPMENT. A type of development, subject to review by the Planning Commission and approval by the Village Council, in which one or more of the applicable zoning district regulations pertaining to allowed uses, minimum lot area, minimum lot width, required yards, maximum building height, minimum residential floor area or other applicable zoning district requirements are waived in order to accomplish the intent of Article XII, Planned Unit Development, of this Chapter.

POND, DETENTION. A pond designed to temporarily detain stormwater runoff for a short period of time, gradually releasing it to the natural watercourse immediately after the peak volume of stormwater has dissipated.

POND, RETENTION. A pond designed and intended to hold water for a considerable length of time for aesthetic or consumptive purposes as well as for the collection and holding of stormwater runoff, the volume of which may never be totally discharged to a natural watercourse.

PORCH. A patio or deck that is either fully or partially enclosed with screening, glazing or other means of enclosure, whether or not it is heated or cooled by mechanical means.

PRIMARY CAREGIVER. A person who is at least twenty-one (21) years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

PRINCIPAL BUILDING. A building in which is conducted the principal or main use of the lot on which it is located.

PRINCIPAL USE. The principal use to which a lot or structure on a lot are devoted and the primary or principal purpose for which the premises exist.

PRIVATE ROAD. A privately owned and maintained right-of-way which affords traffic circulation and principal means of access for more than one Lot or Site Condominium Unit; such a privately owned and maintained right-of-way shall be considered one (1) Private Road, regardless of any turns or changes in direction, until it intersects with a Street.

PROFESSIONAL SERVICE ESTABLISHMENT. An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, mailing, legal, engineering, consulting, employment agencies, data processing, and other similar services.

PUBLIC PLACE. Any real property or a building or structure that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency, or a college or university of the State of Michigan including a court, mall, park, or other area, feature, or element; shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any
agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

**Section 390-7.17. “Q”**

**Section 390-7.18. “R”**

RECREATIONAL VEHICLE, or RV. A vehicular unit, which is designed or constructed for the transportation of people, primarily for recreational purposes, and which may permit occupancy thereof as a dwelling or sleeping place, and which is self-propelled, mounted on, or pulled by another vehicle. Examples include, but are not limited to motor homes, camper trailers, pop-up tent trailers, boats, snowmobiles, off-road vehicles and other similar vehicles or trailers. The term "recreational vehicles" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

RENT or RENTAL. The permission, provision, or offering of possession or occupancy of a dwelling with some type of remuneration paid to the dwelling owner for a period of time by a person who is not the dwelling owner, pursuant to a written or verbal agreement.

RESIDENTIAL ABOVE RETAIL OR OFFICE. A mixture of land uses in which dwelling units are located on floors or stories above retail businesses or office uses.

RESTAURANT. An establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands, and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.

RETAIL BUSINESS. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RETAINING WALL. Any vertical assembly, with a horizontal length-to-thickness ratio greater than three (3), consisting of materials assembled and designed to resist the lateral load action of soil.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, sidewalk, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

**Section 390-7.19. “S”**

SCREEN. A structure such as a fence, wall, earthen berm, landscape materials, or a combination of these elements which provide enclosure and a visual barrier between the area enclosed and the adjacent property.

SENIOR ASSISTED LIVING FACILITY. A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential.
SENSITIVE AREA. An area not suitable or desirable for intense development due to environmental constraints or natural features, including, but not limited to, floodplains or floodway areas, wetlands, lakes, rivers, streams, and adjacent lands, significant vegetation, slopes, and habitat for animal and plant species of concern.

SETBACK. The measurement from the property line to the nearest point of the main wall of the building or structure, subject to certain yard encroachments.

SETBACK, WATERFRONT. The measurement from the Ordinary High Watermark of the Grand River, Spring Lake, or other navigable body of water to the nearest point of the main wall of the building or structure, subject to certain yard encroachments.

SEXUALLY ORIENTED BUSINESS. An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

SHELTERED HOUSING. A community service facility offering temporary refuge for persons in domestic transition living together as a group of individuals or families.

SHORT-TERM RENTAL. The rental of any dwelling for a term of less than twenty-eight (28) days; the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

SIDEWALK. A concrete facility for pedestrians that is physically separated by an open space buffer or physical barrier from the portion of a street or private road traveled by motor vehicles.

SIGN. Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, location, statement, concept, or anything else by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images and which is visible from a public right-of-way or public waterway. The following are definitions of sign types:

A. ABANDONED SIGN. A sign pertaining to or associated with an event, business, or purpose which is no longer ongoing and which has been inactive or out of business for a period of ninety (90) consecutive days or longer; or a Sign which contains structural components but no display for a period of ninety (90) consecutive days or longer.

B. BANNER SIGN. A temporary sign constructed of cloth, fabric, plastic, or other durable, flexible material of professional quality, with or without a structural frame. The term "banner" does not include pennants (Figure 2.7).

C. Reserved.

D. ELECTRONIC MESSAGE BOARD. A sign on which a fixed or changing display/message composed of a series of lights may be changed through electronic means.

E. FLAG SIGN. A flag sign communicates information by means of a flag but does not include the flag of the United States of America, the State of Michigan Flag, or the Village of Spring Lake Flag.
F. FREESTANDING SIGN. A sign structurally separate from and not attached to any building, which is attached directly to the ground surface in a permanent manner, or support by one or more uprights, poles or braces attached to the ground surface in a permanent manner.

G. GOVERNMENT SIGN: A sign that is constructed, placed, or maintained by the federal, state, or local government, or a sign that is required by the federal, state, or local government.

H. MONUMENT SIGN. A freestanding sign which is placed directly on the ground surface, without the use of uprights, poles or any other structure to elevate the sign face above the surrounding grade and which is up to six (6) feet in height (Figure 2.7).

I. PENNANT. A series of small, often triangular, tapering flags made of lightweight plastic, fabric, or other similar material, suspended from a rope, wire, or string, often designed to move in the wind.

J. ILLEGAL SIGN. A sign which does not meet the requirements of this Ordinance and which does not have a legal nonconforming status.

K. MARQUEE SIGN. A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by this Ordinance (Figure 2.7).

L. OFF PREMISE SIGN. A sign pertaining to entities, activities, services, events, or other such matters occurring on another lot, other than the lot where the sign is located.

M. PORTABLE SIGN. A temporary sign which is designed to be moved easily from place to place, that is not permanently attached to the ground or to a building or other structure, that may be supported by wheels, a portable stand, or a chassis, and may have provision for towing behind a vehicle (Figure 2.7).

N. PROJECTING SIGN. A sign attached to the wall of a building, with the face of the sign bearing a message in plane approximately perpendicular to the plane of such wall and which projects more than twelve (12) inches from such building (Figure 2.7).

O. ROOF SIGN. A sign attached to and projecting from the roof surface of a building (Figure 2.7).

P. SANDWICH BOARD SIGN. A movable sign not secured or attached to the ground surface, constructed in such a manner as to form an “A” or tent-like shape.

Q. TEMPORARY SIGN. A sign that is not permanently affixed to the ground and is designed, constructed, or intended for use for a limited period of time.

R. VEHICULAR SIGN. Any sign attached or applied to or painted on a vehicle for the primary purpose of directing attention of viewers, but does not include words, graphics, or other communication that serves to identify the vehicle as one ordinarily and routinely used and operated in the course of the operations or activities conducted by the owner or operator of the vehicle.

S. WALL SIGN. A sign attached to or painted on the wall of a building or structure, with the face of the sign bearing a message in a plane approximately parallel to the plane of such wall and not projecting from the wall more than six (6) inches. A sign attached to or displayed upon an awning, marquee or canopy is also considered to be a wall sign, except that an entity’s logo or name not exceeding six (6) square feet in area attached to or
displayed upon such awning, marquee or canopy shall not be considered a sign (Figure 2.7).

T. WAYFINDING SIGN. An off-premises sign that is part of a village-sponsored and coordinated program for the purpose of facilitating pedestrian and vehicular transit to local destinations as designated and recognized by the village’s wayfinding sign program.

U. WINDOW SIGN. A sign which is applied or attached to, or located within, three feet (3) of the interior of a window on a structure which can be seen through or from the window of the structure (Figure 2.7).

V. YARD SIGN. A sign of relatively impermanent construction, intended for temporary use, manually placed in a yard.

SIGN AREA. The entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the supporting structure (Figure 2.8).
SITE CONDOMINIUM. A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978), as amended.

SITE PLAN. The development plan for one (1) or more lots on which is shown the existing and proposed conditions of the lot as required by Article XVII of this Ordinance.

STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A basement shall not be counted as a story (Figure 2.2).

STREET. A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

A. LOCAL. A street of limited continuity used primarily for access to abutting residential properties.

B. MAJOR. A street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, roadway, parkway, freeway, expressway or equivalent.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; including, but not limited to buildings, radio and television towers, sheds, signs, and fences.

SUBSTANTIAL CONSTRUCTION. The placing of construction materials in a permanent position and fastened in a permanent manner; except that where demolition or removal of an
existing building has been substantially begun preparatory to reconstruction, such demolition or removal shall be deemed substantial construction.

SWIMMING POOL. An artificially constructed structure erected in connection with or appurtenant to one or more private residences, either above or below or partly above and partly below grade, located either in part or wholly outside of a permanently enclosed and roofed building, designed to hold water to a depth of greater than two (2) feet when filled to capacity, and intended to be used for recreational purposes.

Section 390-7.20. “T”
TEMPORARY BUILDING OR STRUCTURE. A structure that lacks a permanent foundation and is affixed to the earth and/or an existing structure with non-permanent fasteners.


Section 390-7.22. “V”
VARIANCE. Permission granted by the Zoning Board of Appeals pursuant to Article XIX to depart from the literal requirements of this Ordinance.

VEHICLE. Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, excepting devices exclusively propelled by human power or used exclusively upon stationary rails or tracks.

VETERINARY HOSPITAL. A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use.

VIEWSHED. A visually attractive, aesthetic, or significant area, such as the Grand River, Spring Lake, or Lake Michigan that is visible from a defined observation point.

Section 390-7.23. “W”
WALL, OBSCURING. A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this zoning ordinance.

WAREHOUSE. A building used primarily for the storage of goods and materials.

WATERFRONT DEVELOPMENT. The erection, construction, reconstruction, alteration, expansion or enlargement of a building or other structure located in the Waterfront Overlay District, or the establishment of a new use or change of use of any land, building or other structure in the Waterfront Overlay District.

WETLAND. Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, Wetland Vegetation or Aquatic Life, and is commonly referred to as a bog, swamp, or marsh.

WHOLESALE FACILITY. An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
Section 390-7.24. “X”

Section 390-7.25. “Y”

YARDS. The open spaces that lie between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in this Ordinance.

A. FRONT YARD. An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building (Figure 2.9).

B. REAR YARD. An open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building (Figure 2.9).

C. SIDE YARD. An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the principal building (Figure 2.9).

D. WATERFRONT YARD. In the case of a waterfront lot, the yard on the street side shall be the rear yard and the waterfront yard shall be the front yard (Figure 2.5).

Section 390-7.26. “Z”

ZONING ADMINISTRATOR. The Village of Spring Lake Zoning Administrator as established in Section 390-149 of this Ordinance.
ARTICLE III GENERAL PROVISIONS

Section 390-8. Area, height, use conditions, and exceptions.

No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be split, created, divided, or reduced in dimensions or area below the minimum requirements of this Chapter. If already less than the minimum requirements of this Chapter, a lot or adjacent lots in common ownership or a required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Chapter. Lots or yards created after the effective date of this Chapter shall comply with the requirements of this Chapter.

A. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building for the purpose of determining compliance with the provisions of this Chapter concerning required yards.

B. No building, structure, or use shall be constructed, expanded, renovated, or established except in conformance with this Chapter and the Spring Lake Village Code of Ordinances.

C. The continuing maintenance of required spatial relationships and physical requirements of this Chapter for a use, structure, building, and/or lot shall be the obligation of the owner of the use, structure, building, and lot.

D. Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or ordinary high water mark toward the center of the lot. For non-platted lots, where the front lot line is the roadway centerline, setbacks shall be measured from the edge of the right-of-way. Building setback lines shall parallel the lot line from which they are measured.

E. Land filling and other contour changes to create a buildable area in preparation of development shall not be undertaken, except in conformance with the requirements of this Chapter and applicable state and federal requirements. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires approval of a site plan until the proposed use or structure is authorized by a certificate of zoning compliance per Section 390-152.

F. Unless otherwise permitted by Section 390-13, the building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, penthouses or roof structures housing necessary mechanical appurtenances.

Section 390-9. Projections into required yards.

A. Projections into required front yards.

1. No porches, decks, or similar structures, whether enclosed or not, may project into a required front yard. However, stoops or steps not exceeding five (5) feet in width and five (5) feet in depth may encroach up to five (5) feet into the required front yard setback.
2. Architectural features such as fireplaces, bay windows, and ornamentation may project into the required front yard setback by not more than two (2) feet, provided no projection shall comprise more than twenty-five (25) percent of the wall surface from which it projects. Eaves may project two (2) feet into a required front yard (Figure 3.1).

B. Projections into required side and rear yards.

1. Architectural features including, but not limited to fireplaces and bay windows, may extend or project into a required side or rear yard not more than two (2) inches for each one foot of width of such yard, but may not extend into any required yard more than three (3) feet. No projection shall comprise more than twenty-five (25) percent of the wall surface from which it projects and in no instance shall any such projection extend closer than three (3) feet to a side or rear lot line. Eaves may project not more than two (2) feet into a required side or rear yard.

2. Open, unenclosed and uncovered attached or detached porches, decks, and paved terraces no more than seven (7) inches in height above finished grade may extend into a required side or rear yard. Attached or detached porches, decks and paved terraces, any portion of which is more than seven (7) inches above finished grade, shall not extend into a required side or rear yard, unless otherwise permitted by this ordinance.

C. Steps and ramps.

1. Steps or ramps which are designed to be an integral part of a deck, porch or terrace, and which are fully contained within the setback requirements for the district may extend across the full width and length of a deck, porch or terrace as an architectural feature and may be of any width or length provided the rise between steps or access platforms, meets local building codes.
2. Steps or ramp which cannot be contained within the setback requirements of the district and which are necessary to provide access to a deck, porch or terrace, may extend beyond the setback requirements through any yard to the property line, provided they do not exceed the minimum width, length, riser height or slope ratio as set forth in the building code for a conventional staircase or ramp way.

Section 390-10. Reserved.

Section 390-11. Fences, walls, and screens.

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. The use of electric current or charge on any fence or part thereof is prohibited.

4. No fence shall have any spikes or sharp points.
5. 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.

6. Any lot that abuts or is directly adjacent to the water shall not have a fence, wall, or screen located within the required side yard or required front yard exceeding a height of four (4) feet. Moreover, no such fence, wall, 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.

7. Unless specifically authorized elsewhere in this ordinance, a fence, 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. Posts may extend a maximum of six (6) inches above the fence.

8. The height of a fence, 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.

B. Unless specifically authorized elsewhere in this Chapter, no fence, wall, or screen located within the required front yard of a property in the SFR or MFR district shall exceed a height of three and one-half (3 ½) feet, or be more than fifty (50) percent solid or impervious.

C. 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.

Section 390-12. Street access.

A. Any lot created after the effective date of this Chapter shall have frontage upon a street right-of-way or legally recorded private road easement at least twenty-four (24) feet in width.

B. Access driveways located on access easements or on a flagpole portion of a lot shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed in width according to the following table:
Driveways serving      | Required pavement width
-----------------------|-------------------------
1 to 8 dwelling units  | 15 feet                 
9 or more dwelling units | Roadways shall be constructed in accordance with Ottawa County Road Commission specifications for local streets 
Commercial lot or use | 20 feet                
Industrial lot or use  | 24 feet                 

C. Where possible, access driveways on opposite sides of a street shall either be directly aligned, or offset a minimum of one hundred fifty (150) feet, measured between driveway center lines.

D. Separation distance between driveways and between driveways and street intersections shall be maximized. At a minimum, driveway-to-driveway spacing of at least thirty-five (35) feet shall be provided, measured between driveway throats at their narrowest point. Driveway-to-intersection spacing of at least ten (10) feet shall be provided, measured from the edge of the driveway throat to its narrowest point, to the right-of-way of the intersecting street.

**Section 390-13. Mechanical appurtenances.**

A. Except in the CBD (Central Business) Zoning District, mechanical appurtenances, such as blowers, ventilating fans, and air-conditioning units, shall be placed not closer than twelve (12) feet to any lot line.

B. Any mechanical appurtenances, including elevator housings, stairways, tanks, heating, ventilation, and air-conditioning equipment, and other similar apparatus, located on the roof of any building shall comply with the following standards:

1. Such apparatus shall be enclosed in a screening structure having walls constructed of material compatible in appearance with the main building to which it is attached.

2. The apparatus and enclosure shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall not occupy greater than fifteen (15) percent of the total area of the roof of the building on which it is placed, unless otherwise permitted in Section 390-8(F).

**Section 390-14. Essential public services.**

The erection, construction, alteration, or maintenance of essential public services as defined herein shall be permitted in any zoning district. It is the intention thereof to exempt such erection, construction, alteration, or maintenance from the application of this Chapter, provided that the Zoning Administrator finds that there will be no adverse effect upon surrounding adjacent property. Significant structures associated with essential services and proposed within
a residential district may be referred to the planning commission as to architecture, landscaping, and screening suitable to the neighborhood.

**Section 390-15. Reserved.**

**Section 390-16. Recreational vehicle parking.**

A. Parking of recreational vehicles may be permitted in the required front yard provided the following restrictions are met (Figure 3.3):

1. Unless parked or stored in a completely enclosed garage, all recreational vehicles shall be stored or parked so that they are no closer than seventeen (17) feet to the edge of the traveled portion of any street.

2. Notwithstanding the requirements of Subsection A(1), above, no recreational vehicle shall be parked so as to block any sidewalk.

3. Recreational vehicles parked or stored in a front yard shall be parked or stored in a designated driveway, the width of which shall not exceed at any point one-third (1/3) of the lot width, or twenty (20) feet, whichever is greater.

B. In the case of a waterfront lot, recreational vehicles shall be parked or stored no closer than twenty (20) feet to the shoreline.

C. Recreational vehicles parked in the side yard or rear yard shall be placed at least three feet from the lot line.

D. Recreational vehicles, camping trailers, or tents may be used for living purposes when accessory to an existing single- or two-family dwelling unit. Such use shall only be permitted for a seven-day period and for no more than one such period in any thirty (30) consecutive days.

E. Not more than two (2) recreational vehicles shall be stored on a lot at any one time.
Section 390-17. Storage and repair of vehicles.

A. The carrying out of repair, restoration, and maintenance procedure or projects on vehicles in any residential zoning district, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:

1. Procedures or projects exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable for more than 48 hours shall be carried out within a garage.

2. Inoperable vehicles and vehicle parts shall be stored inside a building.

B. It shall be unlawful for the owner, tenant, or lessee of any lot in any residential zoning district to permit the open storage or parking outside of a building of semi-tractor trucks and/or semitrailers, bulldozers, earth carriers, cranes, fire trucks, ambulances, buses, or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

Section 390-18. Reserved.


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 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 feet or less above grade at any point shall not be located less than four feet from any lot line.

D. Swimming pools, spas, hot tubs, and similar devices in excess of two feet above grade at any point shall not be located less than 10 feet from any lot line.

E. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.

Section 390-20. Antennas and towers in residential zoning districts.

Radio or television antennas or towers, including transmission or reception antennas below three-hundred (300) watts of output, erected or installed in any residential zoning district shall comply with the following requirements:

A. Placement.
   1. An antenna or tower shall be located only in a side or rear yard.
   2. No portion of an antenna shall be located closer than five (5) feet, measured on a horizontal plane, from any side or rear lot line.

B. Height.
   1. The height of an antenna shall not exceed fifty (50) feet above mean grade.
   2. An amateur radio service station antenna may be erected at heights and dimensions necessary to accommodate amateur radio service communications.

C. General provisions.
   1. The installation of an antenna shall require the issuance of a building permit prior to erection.
   2. No advertising or identification display shall be placed on any portion of an antenna or tower.
   3. No more than one antenna shall be located on the same lot as a principal building. Antennas are permitted only in connection with, incidental to, and on the same lot as a principal use or building.

Section 390-21. Principal use.

No lot may contain more than one principal building or use; provided that multiple-tenant or multiple-occupant commercial, industrial, or mixed use developments, including developments consistent of more than one building, residential above retail or office uses, and live/work structures may be regarded as single uses if deemed as such by the Zoning Administrator and if approved pursuant to the standards of this Chapter.
Section 390-22. Accessory buildings and uses.

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. No accessory building shall be constructed within any front yard.

E. No detached accessory building shall be located closer than three (3) feet to any principal building, street right-of-way, or any side or rear lot line.

F. 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.

G. Accessory buildings shall be regularly maintained so that they reasonably retain their original appearance and are free from mechanical or structural defects.

H. When the principal building on a lot includes an attached garage, the following provisions shall apply:
   1. No more than two (2) detached accessory buildings shall be permitted.
   2. The total gross floor area of all detached accessory buildings shall not exceed three-hundred (300) square feet.

I. When the principal building on a lot does not include an attached garage, the following provisions shall apply:
   1. No more than three (3) detached accessory buildings shall be permitted.
   2. The total gross floor area of all detached accessory buildings, exclusive of one detached garage, shall not exceed three-hundred (300) square feet.
   3. The gross floor area of any single detached accessory building, exclusive of one detached garage, shall not exceed one-hundred and fifty (150) square feet.
   4. No detached garage shall exceed six-hundred and fifty (650) square feet in gross floor area.

J. Unless otherwise permitted by this Chapter, the maximum building height of any detached accessory building shall be fourteen (14) feet.

Section 390-23. Regulations applicable to single family dwellings.

Any single-family dwelling, whether constructed and erected on a lot, a manufactured home, or a pre-manufactured or pre-cut building, shall be permitted only if it complies with all of the following requirements:
A. All buildings used or proposed to be used as a dwelling shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes as adopted by the Village, and all state and federal standards or regulations. Where such state or federal standards or regulations are different from those imposed by the Village codes, the more restrictive standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Official.

B. The dwelling unit shall comply with all restrictions and requirements of this Chapter, including, without limitation, lot area, lot width, residential floor area, required yard, and building height requirements for the zoning district in which it is located.

C. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, which has a wall of the same perimeter dimensions as the dwelling unit and is constructed of such materials and type as required by the building code for on-site constructed single-family dwellings.

D. The dwelling unit shall have a minimum horizontal dimension across any front, side, or rear elevation of at least twenty (20) feet.

E. A storage area within a building with an area of no less than one hundred and twenty (120) square feet shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building that complies with all other applicable provisions of this Chapter pertaining to accessory buildings.

F. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference of greater than eight (8) inches between the first-floor entry of the dwelling unit and the adjacent grade.

G. The exterior finish of the dwelling unit shall not cause reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.

H. The dwelling unit shall have no less than two (2) exterior doors, with one being in either the rear or side of the dwelling unit.

I. The use of any portion of the basement of a partially completed building or accessory building for dwelling or sleeping purposes in any zoning district is prohibited.

J. Manufactured Homes. If the dwelling unit is a manufactured or mobile home, the following standards shall also apply:

1. Dwellings located in a mobile home park regulated pursuant to Act 96 of 1987 (The Mobile Home Commission Act), as amended, shall comply with the terms of this Ordinance as applicable and the terms of that Act and all rules promulgated under it.

2. If the mobile home is new, it must be certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated; or

3. If the mobile home is used, it must be certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in Subsection J(1) above, and found, on inspection by the Building Official or his designee, to be in excellent condition and safe and fit for residential occupancy.
4. The mobile home shall be installed with the wheels removed.

5. The mobile home shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for mobile home parks.

6. The foundation or skirting of a mobile home shall fully enclose the chassis, undercarriage, and towing mechanism.

Section 390-24. Private boat docks.

A. No more than one dock per dwelling unit shall be permitted for single-family dwellings and two-family dwellings.

B. No more than one boat slip per dwelling unit shall be permitted for multiple-family dwellings.

C. Boat docks and boat slips shall be used only by persons residing on the premises or their guests, and shall not be leased, rented or otherwise used for compensation except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina as a special land use, pursuant to Article XVIII.

Section 390-25. Nonconformities.

A. Intent. Upon the adoption of this Chapter or subsequent amendments, there may exist lots, structures, and uses of land and structures which were lawful prior to the adoption of this Chapter, or amendment thereto, but which are not in conformance with the provisions of this Chapter, or amendment thereto. It is the intent of this Section to permit these nonconforming lots, structures, and uses to continue, but not to encourage their prolonged existence. Because nonconforming lots, structures, and uses, so long as they exist, prevent the full realization of the goals and objectives of the Village of Spring Lake Master Plan, the spirit of this Chapter is to reduce, rather than increase, such nonconformance.

B. Nonconforming lots.

1. Lots of record. Any platted and/or recorded lot of record, which does not abut any other lot or lots of record in the same ownership, existing as the effective date of this Chapter may be used for any principal use permitted in the district in which the lot is located whether or not such lot complies with the lot area and/or width requirements of this Chapter. Such use may be made provided that the lot is in compliance with all other requirements of the zoning ordinance.

2. Combining nonconforming lots. If two (2) or more abutting lots of record in single ownership individually do not meet the requirements for lot area and/or lot width of the zoning district in which the lots are located, such lots shall be combined and considered as one lot for the purposes of this Chapter.

C. Nonconforming buildings and structures. Buildings and Structures that are lawfully in existence on the effective date of adoption this Chapter, or amendment thereto, which do not meet the requirements of this Chapter may be continued even though such building or structure does not conform with the provisions of this Chapter, so long as it remains otherwise lawful, subject to the following provisions:
1. Nonconforming buildings or structures may only be expanded, enlarged, or altered in a way that does not increase the degree of its nonconformance.

2. Nonconforming buildings or structures may be expanded, enlarged, or altered in a way that increases the degree of its nonconformance only if approved by the Planning Commission as a special land use pursuant to Article XVIII. To approvesuch a special land use, the standards of Section 390-134 must be met, along with the following additional standards:
   a. Whether the proposed expansion, enlargement, or alteration of the nonconformity would have an adverse impact on adjoining properties or the general welfare of the Village.
   b. Whether there are reasonable alternative means to achieving the desired expansion, enlargement, or alteration in a manner that does not increase the degree of nonconformance.

3. Except as elsewhere provided in this Chapter, in the event any nonconforming building or structure is damaged or destroyed by fire, wind or an act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration does not exceed fifty (50) percent of the replacement value as determined by the Building Official. If the cost of restoration exceeds fifty (50) percent of the replacement value as determined by the Building Official, the Building or Structure shall only be rebuilt in conformance with all provisions of this Ordinance.

4. If the cost of restoration does not exceed fifty (50) percent of the replacement value as determined by the Building Official, it may be reconstructed or restored to its prior nonconforming condition, provided that a building permit for such reconstruction or restoration is issued within one (1) year of the occurrence of such damage.

5. If any nonconforming building or structure is altered or modified to eliminate, remove, or reduce any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later re-established or increased.

D. Nonconforming uses of land and structures. Where, at the effective date of adoption or amendment of this Chapter, a lawful use of any land or structure exists that is made no longer permissible under the terms of this Chapter as adopted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption of this Chapter, or amendment thereto, but no such use shall be extended to occupy any land outside such building.

2. No such nonconforming use shall be enlarged, increased, constructed, reconstructed, moved, structurally altered, nor extended to occupy a greater area of land than was occupied on the effective date of this Chapter, or amendment thereto, except in changing the use to a use permitted in the zoning district in which it is located.

3. No such nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of adoption of this Chapter, or amendment thereto, unless so doing shall make the use less nonconforming.
4. If any such nonconforming use of land or structure ceases for any reason for a period of more than six (6) months, then any subsequent use of such land or structure shall conform to the requirements of this Chapter. Seasonal uses of land, such as boat storage, shall be exempt from this provision.

5. Removal, discontinuation, or abandonment.
   a. If a nonconforming use of any land or structure is terminated and replaced by a permitted use, such nonconforming use shall not be later reestablished.
   b. When a nonconforming use of land, a structure, or a structure and land in combination, is discontinued or abandoned for six (6) consecutive months, any subsequent use of such land, structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of this Chapter. Structures occupied by seasonal uses shall be exempt from this provision.
   c. Nonconforming Use shall be determined by the Zoning Administrator to be abandoned if one (1) or more of the following conditions exists:
      1) Utilities, such as water, gas, and electricity to the property, have been disconnected.
      2) The property, buildings, and grounds, have fallen into disrepair.
      3) Signs or other indications of the existence of the nonconforming use have been removed.
      4) Removal of equipment or fixtures that is necessary for the operation of the nonconforming use.
      5) Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
   d. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

E. Repairs and maintenance.
   1. On any nonconforming building or structure, or any building or structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten (10) percent of the current replacement value of the structure, provided that the structure is not enlarged, extended, moved, or structurally altered.
   2. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

F. Structures under construction. Any structure on which substantial construction as defined, herein, was lawfully begun prior to the effective date of this Chapter, or amendment thereto, shall be considered existing and lawful. Nothing in this Article shall be deemed to require any change in the plans, construction, or use of such structure.
G. Change of Ownership. A change of tenancy, ownership or management of any existing nonconforming lots, uses of land, buildings or structures, or of lots, uses of land, buildings or structures in combination, shall be permitted.

Section 390-26. Permitted setback reductions

A. Front Yard Setbacks.

1. Where the front yards for existing principal buildings in the vicinity of, and in the same zoning district as a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two-hundred (200) feet of the side lot lines of the subject lot, subject to Subsections B and C, below (Figure 3.4).

2. The front yard reduction shall only be permitted if there are two or more lots occupied by main buildings within the area described above for computing the average front yard.

B. Side Yard Setbacks.

1. For parcels in existence as of the effective date of this ordinance that do not meet the lot width standards for the underlying zoning district, the Zoning Administrator may approve a reduction of three (3) inches in each of the minimum required side yards for each one foot of reduced lot width, provided that in no instance shall any such reduced side yard be less than three (3) feet.

C. Waterfront Setbacks.
1. The following requirements shall apply to Waterfront Lots to protect and retain waterfront views. In any SFR or MFR zoning district where the average depth of the two (2) front yards of existing adjacent Lots is greater than the minimum front yard setback required, then the required front setback shall be modified to be no less than the average depth of the existing adjacent front yards as measured from the closest point of the foundation of the principal building, not including unenclosed decks and patios, to the Ordinary High Watermark (Figure 3.5).

2. All structures exceeding a height of three (3) feet above the floor of the first floor above grade, and all structures with fixed or attached accessories or extensions (including, but not limited to, pergolas, retractable awnings and trellises) that exceed a height of three (3) feet above the floor of the first floor above grade, shall comply with the average depth calculated in subsection (1) above, or the required front yard setback for that zoning district, whichever is greater.

3. If the Zoning Administrator determines that there is an unusual shoreline configuration, unusual topographical problem or unusual circumstance, then the matter shall be referred to the Zoning Board of Appeals for interpretation. In establishing such Setback requirements, the Zoning Board of Appeals shall consider the following standards:
   a. The location of Buildings on adjoining properties;
   b. The effect of construction on the Lot in question on the view from adjoining properties;
   c. The potential effect of erosion and flooding from high water on the Lot in question;
   d. The effect, if any, of the proposed Building and any related improvements on existing sea wall or other flood control or erosion devices located on adjoining properties;
e. The relative proximity of the proposed Building to adjoining properties specifically including proximity to occupied Dwellings; and

f. The effect of the proposed Building on adjoining properties and the surrounding neighborhood

4. Structures that measure three (3) feet in height or less that project beyond the setback average may not project more than fifteen (15) feet into the required front (waterfront) yard. Decks and patios without railings below seven (7) inches above grade, docks, boat hoists, shore stations, and similar structures are exempt from this requirement.

**Section 390-27. Temporary buildings, structures, and uses.**

A. **Temporary Buildings and Structures.**

1. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies, and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot. No temporary building or structure shall be used as a dwelling unit.

2. The placement of temporary buildings and structures shall be in conformance with the requirements of this ordinance. Fabric or plastic covered framework or metal roofed temporary buildings or structures shall be prohibited. A certificate of zoning compliance shall be required prior to installation of a temporary building or structure.

3. Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the Building Official for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

B. **Temporary Uses.**

1. **Registry.** The zoning administrator shall maintain a registry of authorized temporary uses as provided herein.

2. **Temporary sales.** Sidewalk, tent or seasonal sales of goods are permitted in accordance with the following restrictions:

   a. Temporary sales shall be permitted in the C and CBD districts only

   b. **Registration:** Any person, organization, or business desiring to utilize property for a use authorized by this section shall first register with the zoning administrator, on a form to be provided, and shall pay a fee for registration in an amount as established by the village council. The registration form shall be accompanied by a sketch plan identifying:

      1) The shape, location and dimensions of the lot, including the shape, size and location of all existing buildings or other structures on the lot, off-street parking layout, and the location of any designated fire lanes.

      2) The shape, size and location of all buildings or structures to be erected or moved onto the lot, including tents, tables, stands or display racks.

      3) Registration for a temporary tent or sidewalk sale related to a permitted principal use otherwise occurring on the lot shall be effective for no longer than seven (7)
days. There shall be a minimum seven-day gap between subsequent sales. No more than three (3) such temporary uses may occur on a particular lot within a single calendar year. Temporary tent or sidewalk sales may not occur on a lot for consecutive time periods.

4) Registration for a seasonal sale of goods, not related to a permitted principal use otherwise occurring on the lot (e.g., t-shirts, Christmas trees, sunglasses or fireworks) shall be effective for no longer than thirty (30) days. No more than one such seasonal sale shall be permitted on a lot within a single calendar year or at a time.

5) A temporary tent or sidewalk sale permitted in accordance with this section shall comply with all applicable requirements for the zoning district in which it is to be located.

6) Sidewalk sales shall not be situated so as to obstruct the flow of pedestrian traffic. A minimum width of at least 8 feet shall be maintained at all times.

7) A temporary structure used in conjunction with such use may be located in a front yard, but no closer than one-half (½) the distance between the right-of-way and the principal building.

8) When a seasonal sale of goods is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which it is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area and off-street parking.

9) The village council may issue permits for the temporary use and occupancy of property for uses not otherwise provided for in this ordinance (carnivals, special events, flea markets, environmental testing devices) and which do not require the erection of any structures requiring foundations or connection to public water or sewer. For the purpose of this section, a temporary activity shall not extend for more than six (6) weeks in any year. There shall be no minimum duration for a temporary activity.

10) Private garage sales, yard sales, or estate sales, sales of personal items from a private residence or church, or civil organization events such as car washes shall not require a temporary activity permit or temporary use registration if such activity or event does not extend for more than three (3) days in any ninety-day period or occur more than once in any ninety-day period.

Section 390-28. Timely completion of construction required.

Following the initiation of the construction, erection, reconstruction, modification, expansion or enlargement of any building or other structure authorized under the provisions of this Chapter, completion of such work shall be diligently pursued and completed in a timely manner. Unless otherwise specified as a condition of approval of a site plan, special land use, planned unit development, or other development by the Planning Commission or Council, any construction
authorized under the provisions of this Chapter shall be completed within one year from the date of issuance of a building permit for such construction.

**Section 390-29. Keeping of animals.**

A. The keeping of domesticated animals is permitted as an accessory use in any residential zoning district. However, no more than three dogs or cats, six months of age or older, in any combination thereof, shall be kept or housed in or at one dwelling unit.

B. The keeping of animals not normally considered to be domesticated animals, including but not limited to, horses, pigs, sheep, cattle, horses, and wild or exotic animals, is prohibited in all zoning districts.

C. The keeping of up to six (6) chickens is permitted in the SFR district only, and is subject to the following requirements:
   1. The minimum lot area is two (2) acres.
   2. Roosters shall not be permitted.
   3. The slaughtering of any chicken is prohibited.
   4. Chickens must be provided with and kept within a covered enclosure at all times. Chickens shall not be allowed to roam the lot or any other property.
   5. The enclosed area where the chickens are kept shall be located within the rear yard and shall be setback at least twenty (20) feet from any side or rear lot line.
   6. The enclosed area where the chickens are kept shall be maintained in a clean and neat manner at all times.
   7. Materials used to construct the enclosed area shall exclude tarps, plastic, fabric, rubber, paper cardboard, or other non-traditional building materials.
   8. Chicken feed must be kept in rodent-proof, sealed containers.

D. The keeping of bees (apiaries) is permitted in the SFR district only, and is to the following requirements:
   1. The minimum lot area shall be (2) acres.
   2. Not more than two (2) hives shall be permitted per lot.
   3. A constant supply of water shall be provided for all hives.
   4. All hives shall be located at least thirty five (35) feet from any dwelling on a neighboring property and at least twenty five (25) feet from any property line.
   5. For hives within one hundred (100) feet of the property line, a hedge, shrubbery, solid fencing or other device at least six (6) feet in height suitable to cause bees to maintain a sufficiently high flight path so as to be above the head of an average human being when exiting and entering their hives shall be provided.
   6. Hives shall not be located in a front yard.
Section 390-30. Reserved.


A. The standards of this section shall apply to all uses for which site plan review and approval is required according to Article XVII.

B. In reviewing a site plan, the Village may:
   1. Require service drives;
   2. Limit the number of driveways for a lot;
   3. Require that parking areas on adjacent lots be connected;
   4. Require driveways for adjacent lots be shared;
   5. Require driveways on opposite sides of a street be directly aligned or have proper offsets; and
   6. Require the closing, relocation, or redesign of a driveway or access point.

C. Number of Driveways.
   1. General Access: Unless otherwise warranted or required in the opinion of the Village, access to any street or for an individual Lot, or access to any street from contiguous lots under the same ownership, shall be limited to a single two-way driveway.
      a. Additional Driveways: For a lot with frontage on a street of more than three hundred (300) feet, an additional driveway may be allowed for each additional three hundred (300) feet frontage, provided that driveways meet the spacing standards of this section.
      b. Dual Frontage: Where Lots have dual frontage on both a higher and lower classification of roadway (i.e. Savidge Street and another village street) access shall be provided from the lower classification roadway. If the Lot has a minimum of three hundred (300) feet of frontage, additional access may be allowed if the access meets the spacing standards of this section.

D. Shared Driveways.
   1. In cases where shared driveways are proposed or required, the shared driveway shall be constructed as nearly as practical to straddle the common property line. A written easement and maintenance agreement, to be approved by the Village, shall be provided and legally recorded with the Ottawa County Register of Deeds that allows traffic to travel across one (1) lot to access another, and to access the street.

E. Service Drives and Parking Lot Connections.
   1. Where a proposed parking lot is adjacent to an existing parking lot, there shall be a vehicular connection between the two parking lots where possible, as determined by the Village.
   2. Lots may be required to include a rear yard service drive, especially where connection to a second street is available.
3. If a Lot with an established commercial use is divided to allow for an additional commercial use, an additional driveway for that use will only be permitted if the driveway spacing requirements of this section are met. The original and the additional commercial use shall have adjoining connected parking lots and may be required to construct a connecting rear yard service drive.

F. Construction of Service Drives.
   1. Service drives shall have a minimum width of twenty four (24) feet, measured from face to face of the curb, with an approach approved by the Village engineer.
   2. The geometrics of rear yard or front yard service drive intersections with streets shall be approved by the Village or MDOT, as applicable.
   3. Service drives shall have a minimum of fifty (50) feet of stacking space or throat length for entering and exiting vehicles at the intersection of the service drive and the street.
   4. Parking shall generally be prohibited along service drives. However, one (1) way or two (2) way service drives designed with additional width for parallel parking may be allowed if such traffic studies demonstrate that such parking will not significantly affect their safety or operation. Perpendicular or angled parking along either side of a designated service drive shall be prohibited.
   5. Directional Signs and pavement markings may be required to help promote safe and efficient circulation. The property owner(s) shall be required to maintain all pavement markings and signs. All directional signs and pavement markings shall conform to the standards contained in the current "Michigan Manual of Uniform Traffic Control Devices."

G. Curb Radii.
   1. Driveways shall be designed with at least twenty five (25) feet radii where primarily passenger vehicle traffic is expected.
   2. Driveways shall be designed with at least thirty five (35) feet radii where primarily truck vehicle traffic is expected.
   3. Where necessary, a site plan shall illustrate proposed circulation patterns on a site to ensure safe movement of vehicular traffic, trucks, and delivery vehicles.

H. Acceleration, Deceleration and Bypass Lanes.
   1. Acceleration, deceleration, and/or left turn bypass lanes may be required, as determined by the Village or MDOT.

Section 390-32. Building demolition.

A. No building shall be demolished until a permit has been obtained from the Building Official who shall be authorized to require a performance bond in an amount not to exceed $1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be demolished. That bond shall be conditioned on the applicant completing the demolition within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Official may prescribe, from time to time, including filling of excavations and proper termination of utility connections.

B. Utility disconnections shall be completed prior to the issuance of a permit.
C. If the building is safely demolished and the site cleaned as specified in the permit, then the bond shall be returned within 30 days of completion of the demolition. If the demolition is not accomplished according to the terms of the approval, then the Village shall access the performance bond and use the money to restore the site to a safe and stable condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion.

D. Structures shall be demolished in such a manner as to avoid hazards to persons and property, interference with the use of adjacent buildings, and interruption of free passage to and from such buildings.

E. During the demolition of any building or structure the work shall be kept thoroughly wetted down to prevent the spread of dust. The owner or contractor shall provide water and necessary connections therefore. The Building Official may require construction of a suitable fence around the work site where conditions indicate that the safety of the public requires such fence.

F. All buildings and structures to be demolished shall be completely razed and all materials shall be removed from the site and disposed of in accordance with all applicable laws and regulations. All materials, including, without limitation, every installation, part of a building or accessory building or other improvement on the premises, whether above or below grade, shall be completely removed from the site. No part of any basement or infrastructure below grade, including any underground storage tanks, shall remain.

G. The premises shall be cleared of all debris and components of the building or structure, and the site filled, leveled and seeded within seven days of completion of the demolition.

Section 390-33. Reserved.

Section 390-34. Site preparation and excavation.

A. Land filling, mining, and other landform contour changes to create a buildable area or to remove or stockpile topsoil, sand or earth shall not be undertaken, except in conformance with the requirements of this Chapter and applicable county, state, and federal requirements. No person shall undertake any activity such as grading, clearing, cutting, and filling, excavating, or tree removal in preparation for a use or structure which requires site plan review and approval until the proposed use or structure is authorized by the Village.

B. Any excavation or foundation to be left open overnight and/or for more than 24 hours must be fenced to prevent endangerment of life or property.

Section 390-35. Outdoor lighting.

A. **Intent and purpose:** To create and maintain safe nighttime environments for both pedestrians and drivers on public and privately owned roadways and rights-of-way, by minimizing brightly lit surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution from lighting luminaires and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission, Planner, and/or Zoning Administrator in the review of all site plans submitted for approval under the terms of this Chapter.
B. **General standards.**

1. **Regulated lighting.** All exterior lighting shall be regulated by this section, including, but not limited to the following types:
   
a. Parking lot lighting and site lighting for commercial, industrial, and institutional developments.

b. Canopy lighting.

c. Multiple-family development parking lot lighting and site lighting.

d. Privately owned roadway lighting.

e. Building facade lighting.

f. Residential yard lights.

g. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, or, at his discretion, the Planning Commission, are similar in character, luminosity and/or glare to the foregoing.

2. **Lighting plan.** The following information must be included for all site plan submissions and where site plan approval is not required, some or all of the items may be required by the Zoning Administrator prior to lighting installation:
   
a. A site plan drawn to a scale of one inch equaling no more than 30 feet showing the buildings, landscaping, parking and service areas, and location and type of all proposed outdoor lighting.

b. Analyses and luminance level diagrams showing that the proposed installation conforms to the lighting level standards in this section. Diagrams shall indicate illumination levels at ground level based on no greater than a twenty-five-foot on-center grid and shall project 25 feet onto adjacent properties or to the setback limit line, whichever is greater. Illumination levels should also be measured for all surrounding streets at the public right-of-way.

c. Specifications for all proposed lighting fixtures, including mounting heights, photometric data, designation as Illumination Engineering Society of North America (IESNA) "cutoff" fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures.

d. The lighting plan shall provide a design for illuminations in accordance with this section.

3. **Standards.** All exterior lighting, including freestanding, canopy, pole and building-mounted, shall be fully shielded and directed downward to prevent off-site glare. Lighting shall be designed and constructed to meet the following standards (Figure 3.6):
   
a. Lighting design shall ensure that direct or directly reflected light is confined to the development site and pedestrian pathways.

b. Lamps and luminaires shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line and beyond any public right-of-way, and so the light source is not directly visible from beyond the boundary of the site.

c. Canopy lighting shall be fully recessed.
d. The light from any illuminated source shall be designed so that the light intensity or brightness shall not exceed 10 footcandles within any part of the site and one footcandle at any property line, except where the property abuts a residential district or use where a maximum of 0.5 footcandle is permitted.

e. All light fixtures, including building-mounted fixtures, shall be full cutoff fixtures as defined by IESNA and shall have one-hundred-percent cutoff above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

f. No light fixture may be mounted higher than 20 feet above the average grade of the site, except for approved outdoor recreation area lighting.

g. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section. Outdoor recreation area lighting requires site plan approval by the Planning Commission.

h. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness, or color.

i. Beacon, strobe, and search lights, laser light sources or any similar high-intensity lights for outdoor advertisement or entertainment are prohibited.

j. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

k. On-site lighting shall be the minimum necessary to comply with Michigan Building Code requirements for safe egress. Parking lot lighting shall not be operational after business hours. Limited security lighting is permitted.

l. Unshielded floodlights are prohibited.
4. **Exempted areas and types.** The following types of outdoor lighting are exempt from the provisions of this section, provided that such lighting uses a one-hundred-watt or less incandescent bulb and except where such lighting creates a hazard or nuisance from glare or spill light:

   a. Residential decorative lighting such as porch lights, low-level lawn lights and special seasonal lights such as Christmas decorations and similar lighting associated with single-family detached housing.

   b. Sign lighting as regulated in Article XV hereof.

   c. Lighting necessary for road or utility construction or emergencies.

   d. Streetlights located within a public right-of-way.

   e. Lighting for a permitted temporary event such as a circus, fair, carnival, or civic event.

**Section 390-36. Home occupations.**

A. **Purpose.** The purpose and intent of this section is to establish regulations intended to ensure that home occupations remain subordinate to the residential use, that the residential viability of the dwelling is maintained, and to ensure that home occupations shall not be a detriment to the character and livability of the surrounding neighborhood. It is recognized that excessive commercial activity, such as traffic, odors, deliveries, and signage may undermine the residential character of a neighborhood. Therefore, a home occupation shall meet the standards set forth in this section, and shall be located and constructed so that the average neighbor, under normal circumstances, will not be aware of its existence.
B. Requirements.

1. All home occupations shall be registered with the Zoning Administrator on forms provided by the Village and may require a fee as determined by Village Council. The registration form shall be accompanied by such information as is necessary to demonstrate compliance with this section.

2. Home occupations must be conducted entirely within the confines of a residential building, an accessory structure, or a rental dwelling unit. The home occupation must not be evident in any way from the street or from any neighboring premises. For all home occupations that will be conducted in a rental dwelling unit, the operator of the home occupation shall provide a signed statement from the property owner which states that the property owner knows the type and scope of the home occupation to be conducted on their property and granting the tenant permission to operate the home occupation.

3. There shall be no change in the outside appearance of the dwelling or any other visible evidence of the conduct of the home occupation, including, but not limited to, exterior alterations, or construction features not customary in dwellings or new external entrances to the space devoted to the home occupation.

4. The operator of the home occupation shall make the dwelling unit within which the home occupation is conducted his/her legal and primary residence, where all activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life are conducted.

5. The home occupation shall use only mechanical and electrical equipment which is similar in power and type to that used for household purposes and hobbies.

6. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, or odors detectable to the normal senses off of the premises on which the home occupation is located. In addition, no equipment or process shall be used in the home occupation which causes visual or audible interference in any radio, television, cellular, or wireless service off the premises or causes fluctuation in the line voltage off the premises.

7. No person, other than members of the family residing in the dwelling, shall be engaged in the conduct of the home occupation.

8. The home occupation shall not devote more than twenty (20) percent of the principal building and accessory buildings to such home occupation.

9. The home occupation shall not require parking in excess of two (2) spaces, located in the driveway or on the street directly adjacent to the property. Suitable off-street parking shall be located without utilizing any portion of any required yard.

10. The home occupation shall not generate traffic in a greater volume than would normally be expected in a residential neighborhood, or in any case no more than 10 vehicular trips per day.

11. On-site sale of merchandise shall be limited to:
   a. Items commonly traded or collected or occasionally bought and sold by hobbyists such as stamps, coins, comics, etc., but not including motor vehicles or firearms.
b. Crafts and artistic products produced on site.

12. No outdoor storage or display of materials, equipment, merchandise, or products shall be permitted.

13. No sign is permitted for a home occupation.

14. No more than two (2) customers, clients, students, or patients shall be on the premises in which a home occupation is located at any one time.

15. Visits by customers, clients, students, or patients to the premises in which a home occupation is located shall be limited to the hours of 7:00 a.m. to 8:00 p.m.

16. Home occupations shall at all times comply with all federal, state and local laws including, but not limited to, building, housing, property maintenance, fire and other codes and ordinances.

17. **Primary Caregivers.** A home occupation shall include an individual's ability to operate as a registered primary caregiver, as defined by and in compliance with the General Rules of the Michigan Department of Community Health, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26421 et seq. (the "Act") and the requirements of this section. Nothing in this section, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with that Act and the General Rules. Also, since federal law is not affected by that Act or the General Rules, nothing in this section, or in any companion regulatory provision, adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. The Act does not protect users, caregivers, or owners of the properties on which the medical use of marihuana is occurring under the Federal Controlled Substances Act. The following additional requirements for a registered primary caregiver shall apply:

a. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.

b. A registered primary caregiver must be located outside of a one-thousand-foot radius from any school, or library, as defined by the Michigan Public Health Code, 1978 PA 368, as amended MCL 333.7410, to ensure community compliance with federal "Drug-Free School Zone" requirements.

c. Not more than one (1) primary caregiver shall be permitted to service qualifying patients per dwelling unit.

d. No qualified patient, other than one qualified patient who resides on the premises with the primary caregiver, shall be served on the premises of the licensed primary caregiver.

e. At no time shall more than one (1) qualified patient and one licensed primary caregiver be present on any property in the Village.
f. All medical marihuana shall be grown, processed, and contained within the main building in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver or qualifying patient, as reviewed and approved by the Village of Spring Lake Zoning Administrator and the law enforcement agency serving the Village. Marihuana plants grown on the premises as part of the home occupation shall not be visible outside of the enclosed, locked facility in which they are grown.

g. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.

h. If a room with windows is utilized as a growing location, any lighting methods that exceed usual residential periods between the hours of 11:00 p.m. to 7:00 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that may create a distraction for adjacent residential properties.

i. The outdoor growth and/or cultivation of medical marihuana plants is prohibited.

j. Nothing in this section shall be construed to encourage or condone violations of state or federal law.

k. A licensed primary caregiver shall be permitted as a home occupation in the Village of Spring Lake only as long as the Michigan Medical Marihuana Act permits the activity. Changes to the Michigan Medical Marihuana Act may invalidate the home occupation permit. Because the state Act is not under the control of the Village of Spring Lake, the home occupation permit for a licensed primary caregiver does not grant the operator of the home occupation any vested property rights or nonconforming use rights that would serve as a basis for failing to comply with this Chapter or any amendment to this Chapter.

l. Based on the interpretation of the Michigan Department of Community Health, no "marihuana dispensary," "growing cooperative" or "compassion club," as these terms are commonly used in reference to the use and dispensation of medical marihuana, shall be permitted anywhere in the Village of Spring Lake.

Section 390-37. Funneling/keyholing.

It is the intent of this section to promote the integrity of the lakes within the Village of Spring Lake while preserving the quality of recreational use of the lakes and rivers; to protect the quality of the lakes by limiting excess use; to promote the ecological balance of the water by limiting incompatible land use of the wetlands associated with the lakes; and maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines. Nothing in this ordinance shall be construed to limit lake or waterway access to the general public by way of a public park or public access site provided or maintained by any unit of state, county, or local government.

A. In any zoning district, waterfront lots may only be used for the purposes listed below if the standards of this section are met:
1. as common open space held in common by a subdivision, condominium or site
   condominium association, planned unit development or associations or similar agencies;
   or
2. held in common by virtue of the terms of a plat of record; or
3. common use under deed restrictions of record; or
4. access by owners of those residing in two or more dwelling units located away from the
   waterfront; or
5. as a residential development for one or more dwelling units as permitted in the Township
   zoning ordinance; or
6. by easement, park, common fee ownership, single-fee ownership, condominium
   arrangement, license, or lease; or
7. any combination of the above.

B. Waterfront lots used for the purposes listed above shall contain a minimum of five thousand
   (5,000) square feet; fifty (50) lineal feet of water frontage for each individual dwelling unit or
   each single family unit to which such privileges are extended or dedicated, and a minimum
   depth of one hundred (100) feet. Frontage shall be measured by straight line which
   intersects each side lot line at the ordinary high water mark.

C. Waterfront lots used for the purposes listed above shall not consist of a swamp, marsh, or
   bog as shown on the most recent U.S. Geological Survey Maps, or the Michigan
   Department of Natural Resources MIRIS map, or have otherwise been determined to be
   wetland by the Michigan Department of environment, Great Lakes, and Energy (EGLE). In
   no event shall a swamp, marsh, or bog be altered by dredging, the addition of earth or fill
   material or by the drainage of water for the purpose of increasing the water frontage
   required by this Section.

D. Waterfront lots used for the purposes listed above shall not abut a man-made canal or
   channel for purposes of funneling non-riparian owners onto a lake. Where said lot(s) contain
   dwelling units, then the fifty (50) linear feet of water frontage shall apply for each individual
   dwelling unit. In no case shall such canal or channel be excavated for the purpose of
   increasing the water frontage required by this regulation.

E. Waterfront lots used for the purposes listed above shall not be used as a residential lot for
   the purpose of constructing a dwelling and/or accessory structure(s), or for any commercial
   use.

F. Piers or docks may be constructed on waterfront lots used for the purposes listed above,
   provided that the following standards are met:
   1. Piers or docks shall not be closer than fifty (50) feet from another pier or dock
   2. Piers or docks shall not be longer than the average of the four (4) adjacent residential lot
      piers or docks on either side of the access property, or fifty (50) feet, whichever is less.

G. In any district in which accesses have been established before the effective date of this
   section or subsequent amendment thereto, such accesses shall retain historic uses. It is the
   intent of this section to permit such lawful non-conformance to continue, but not to
   encourage additional uses and sites.
ARTICLE IV SEXUALLY ORIENTED BUSINESS

Section 390-37. Purpose.

The purpose and intent of this article is to minimize the negative secondary effects associated with sexually oriented businesses through regulating, but not excluding, the location and operation of sexually oriented businesses within the Village. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private land uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not adversely impact the health, safety, and general welfare of Village residents, nor contribute to the blighting or downgrading of surrounding areas. The provisions of this article are to not intended: i) to violate the guarantees of the First Amendment to the United States Constitution or Article I, Section 5 of the Michigan Constitution of 1963; ii) to deny adults access to sexually oriented businesses and their products; iii) to deny sexually oriented businesses access to their intended market; or iv) to legitimatize activities which are prohibited by Village ordinance, state or federal law. The Village further states that it would have passed and adopted what might remain of this article following the removal, reduction, or revision of any portion of this article found to be invalid or unconstitutional.

Section 390-38. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article only, unless otherwise specifically stated:

ADULT ARCADE. A commercial establishment that offers coin-operated (or for any other form of consideration) electronically, electrically, or mechanically controlled still or motion-picture machines, projectors, video or laser disc players, or other image-producing devices to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting of specified anatomical areas or specified sexual activities.

ADULT BOOKSTORE or ADULT VIDEO STORE.

A. A commercial establishment that has as a substantial or significant portion of its stock-in-trade, and as one of its principal business purposes offers for sale or rental for any form of consideration, any one or more of the items set forth in Subsection A(1) or (2) of this definition.

1. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes or video reproductions, slides, or any other visual representations or media which depict or describe specified anatomical areas or specified sexual activities; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
3. A commercial establishment may have other principal business purposes that do not involve offering for sale or rental the material identified in Subsection A(1) and (2), above, and still be categorized as an adult bookstore or adult video store.

ADULT CABARET. A nightclub, bar, restaurant, or similar commercial establishment that regularly features:

A. Persons who appear in a state of nudity;
B. Live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities;
C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
D. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

ADULT ENTERTAINMENT BOOKING AGENCY. A business engaged in for financial remuneration, either directly or indirectly, wherein the owner, operator or agent books performances for dancers, comedians, musicians, entertainers or burlesque performers, taking a fee, commission or percentage of any money from the patron or performer for services rendered, when the performances are characterized by exposure of specified anatomical areas or by specified sexual activities.

ADULT MOTEL. A hotel, motel or similar commercial establishment that does any of the following:

A. Offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified anatomical areas or specified sexual activities and has a sign visible from the public right-of-way that advertises the availability of any of the above;
B. Offers a sleeping room for rent for a period of time that is less than 12 hours; or
C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 12 hours.

ADULT MOTION-PICTURE THEATER. A commercial establishment that, for any form of consideration, regularly shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media, that are characterized by the depiction or description of specified anatomical areas or specified sexual activities.

ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities.

DATING SERVICE. A business engaged in for financial remuneration, either directly or indirectly, where arrangements are made to match a person of the same or opposite sex to a
patron or patrons, for social or entertainment purposes, either on or off the premises of the dating service.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. A person or business who furnishes, offers to furnish, or advertises the furnishing of escorts for a fee, tip, or other consideration.

MASSAGE. The performance of manipulative exercises upon the human body of another by rubbing, kneading, stroking or tapping with the hand or hands, or with any mechanical or bathing device, with or without supplementary aids, for nontherapeutic purposes. The systematic and scientific manipulation of the soft tissues of the human body by a state-licensed health care professional for therapeutic and/or rehabilitative purposes shall be considered a therapeutic massage and not restricted by this article.

MASSAGE PARLOR. Any commercial establishment where nontherapeutic massage is made available for any form of consideration.

MASSAGE SCHOOL. Any place, establishment or facility which provides instruction in the theory, method and practice of nontherapeutic massage.

NUDE MODEL STUDIO. Any place where a person who displays specified anatomical areas is provided in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include:

A. An educational institution funded, chartered, licensed or recognized by the State of Michigan; or

B. A private artist's studio where the private artist employs or contracts with the model to be observed and depicted solely by the private artist.

NUDITY or A STATE OF NUDITY. Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. "Public nudity" does not include:

A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding;

B. Material as defined in Section 2 of Michigan Act 343 of 1984, as amended, or any similar successor statute; or

C. Sexually explicit visual material as defined in Section 3 of Michigan Act 33 of 1978, as amended, or any similar successor statute.

PUBLIC PLACE. Any real property or an appurtenance to real property that is owned or leased by the State of Michigan, any local unit of government of the State of Michigan, a public agency,
or by a college or university of the State of Michigan and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a "public place" shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed by any agency of government or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

SEXUAL ENCOUNTER CENTER. A commercial establishment that, as one of its principal business purposes, offers for any form of consideration:

A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

SEXUALLY ORIENTED BUSINESS. Any of the following:

A. Adult arcade;
B. Adult bookstore or adult video store;
C. Adult entertainment booking agency;
D. Adult cabaret;
E. Adult motel;
F. Adult motion-picture theater;
G. Adult theater;
H. Dating service;
I. Escort agency;
J. Massage parlor;
K. Massage school;
L. Nude model studio; and
M. Sexual encounter center.

SPECIFIED ANATOMICAL AREAS. Are defined as follows:

A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; or
B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Are defined to include any of the following:

A. The erotic fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
B. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, and/or masturbation;
C. Sexual arousal or gratification using animals or violence, actual or simulated;

D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C of this definition, above.


Notwithstanding any provisions of this Chapter to the contrary, sexually oriented businesses shall be permitted only as a special land use subject to Planning Commission approval within the Waterfront Overlay District.

Section 390-40. Special land use approval requirements.

Special land use approval shall not be granted to any sexually oriented business unless it meets all of the following enumerated requirements. Any sexually oriented business granted special land use approval shall continue to comply with all of the requirements of this section at all times while the business is operational.

A. No sexually oriented businesses shall be located on a parcel that is within 500 feet of another sexually oriented business.

B. No sexually oriented business shall be located on a parcel that is within 350 feet of the boundary of any land zoned residential, or approved as a planned unit development for residential purposes.

C. No sexually oriented business shall be located on a parcel that is within 350 feet of any single- or multiple-family residence, any Village, county or state park, any school, library, licensed child-care facility, playground, church or place of worship.

D. For purposes of subsection A-C above, the distance shall be measured in a straight line from the nearest property line of the parcel of land upon which the proposed sexually oriented business is to be located to the nearest property line of the existing sensitive use.

E. No sexually oriented business shall be located within any principal or accessory building or structure already containing a sexually oriented business.

F. The proposed use shall conform to all requirements of the zoning district in which it is located.

G. The proposed use shall be in compliance with all other ordinances of the Village and with all statutes, laws, rules and regulations of the county, state and federal government and, to the extent required, all governmental approvals have been obtained.

H. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from the neighboring properties or the adjacent right-of-way of a public street or private road.

I. Any sign or signs proposed for the sexually oriented business shall comply with the provisions of Article XV, Signs, of this Chapter, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas, specified sexual activities or obscene representations of the human form, and may not include animated or flashing illumination. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those
entering and exiting the business, and using clearly marked lettering no less than two inches in height stating that:

1. "Persons under the age of 18 are not permitted to enter the premises"; and
2. "No alcoholic beverages of any type are permitted within these premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

J. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible by a person of normal visual acuity from the nearest adjoining right-of-way of a street or private road or a neighboring property.

K. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m., Monday through Saturday. All sexually oriented businesses shall remain closed on Sundays and legal holidays.

L. All off-street parking areas shall comply with Article XVI, Parking Regulations, of this Chapter and shall be illuminated after sunset during all hours of operation of the sexually oriented business, and until one hour after the business closes. The illumination shall be designed to provide a minimum level of brightness of one footcandle, with a 3:1 uniformity ratio. The illumination shall not reflect on and shall be screened from adjoining properties.

M. Any booth, room or cubicle available in any sexually oriented business, except an adult motel, that is used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities shall:

1. Be handicap accessible to the extent required by the law;
2. Be unobstructed by any floor, lock or other entrance and exit control device;
3. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view of any occupant at all times from the adjoining aisle;
4. Be illuminated such that a person of normal visual acuity can, by looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle, clearly determine the number of people within; and
5. Have no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code authority.

Section 390-41. Application for special land use approval.

Notwithstanding any provisions of this Chapter to the contrary, applications for special land use permits and site plan approval submitted by sexually oriented businesses will be governed by this article.

A. An application for a special land use permit provided under this article for a sexually oriented business shall be filed with the Zoning Administrator on the proper forms supplied by the Village. An application shall not be deemed complete until all required information and necessary documentation have been provided to the Village by the applicant or the applicant's agents and representatives.
B. The application shall be accompanied by 12 copies of a site plan as required by and provided for in Article XVII, Site Plan Review, and any other data required by the Zoning Administrator indicating how the proposed sexually oriented business will conform with this article.

C. The application shall be accompanied by a legal description of the property, either by metes and bounds or by subdivision lot and block, and a street address.

D. The application shall be accompanied by a fee to be established by resolution of the Village Council to cover the expense of considering and making a decision on the application.

Section 390-42. Hearing required.

Notwithstanding any provisions of this Chapter to the contrary, the Planning Commission shall hold a public hearing on the proposed special land use pursuant to Section 390-151 hereof.

Section 390-43 Decision.

A. Notwithstanding any provisions of this Chapter to the contrary, a final decision on the special land use application and site plan approval shall be made by the Planning Commission within a reasonable time of the receipt of the completed application by the Zoning Administrator along with any other materials deemed necessary. The Planning Commission shall base its decision upon the applicant's compliance with the requirements set forth in this article and the special land use standards of Section 390-134. The decision on the site plan approval shall be made according to the standards set forth in Section 390-126.

B. The Planning Commission may impose reasonable conditions in conjunction with the approval of a special land use permit for a sexually oriented business. The conditions imposed shall be limited to conditions necessary to ensure that the sexually oriented business will not be unreasonably detrimental to the public health, safety, or general welfare of the Village; nor unreasonably injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor unreasonably impede the normal and orderly development and improvement of the surrounding property for uses permitted under this Chapter.

C. The Planning Commission shall incorporate its decision in a written statement containing the conclusions that specify the basis of the decision and any conditions imposed.

Section 390-44. Appeals.

The decision of the Planning Commission shall be final. Notwithstanding any provisions of this Chapter to the contrary, in the event the Planning Commission denies an application for special land use permit for a sexually oriented business, the applicant shall not be allowed to appeal the Planning Commission's decision to the Village Council nor the Zoning Board of Appeals. The applicant shall be entitled to judicial review of the Planning Commission's decision in any court of competent jurisdiction.
ARTICLE V RESERVED
ARTICLE VI ZONING DISTRICTS AND MAP

Section 390-50. Zoning districts.
For the purposes of this Chapter, the Village of Spring Lake is hereby divided into the following zoning districts as shown on the official zoning map:

A. The following districts are commonly referred to as the residential districts of the Village:

<table>
<thead>
<tr>
<th>SFR</th>
<th>Single-family Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>MFR</td>
<td>Multiple-family Residential</td>
</tr>
</tbody>
</table>

B. The following districts are commonly referred to as the nonresidential districts of the Village:

<table>
<thead>
<tr>
<th>C</th>
<th>Community Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBD</td>
<td>Central Business District</td>
</tr>
<tr>
<td>WOD</td>
<td>Waterfront Overlay District</td>
</tr>
</tbody>
</table>

Section 390-51. Zoning map and boundaries.

A. The locations and boundaries of the above zoning districts are hereby established as shown on the Zoning Map, as the same may be amended from time to time, and shall be as much a part of this Chapter as if fully described herein.

B. The Zoning Map shall be kept on display in the Village Hall and descriptions accompanying enacted amendments to the Zoning Map shall be displayed adjacent to the map until such time as the map is corrected. The Zoning Map shall be the final authority as to the current zoning status in the Village.

Section 390-52. Interpretation of zoning map.

Where due to scale, lack of detail or illegibility of the Zoning Map there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary, the exact location of such boundary shall be determined by the Zoning Administrator. In making such determination, the Zoning Administrator shall consider and apply the following rules of interpretation:

A. Where the boundaries are indicated as approximately following streets, alleys or highways, the center lines of said streets, alleys or highways or such lines extended shall be construed to be such boundaries.

B. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following Village boundary lines shall be construed as following such Village boundaries.

D. Boundaries indicated as approximately following railroad lines shall be construed as following the center line of the railroad right-of-way.
E. Boundaries indicated as approximately parallel to the center lines of streets shall be construed as being parallel thereto and at such distances therefrom as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of scale shown on the Zoning Map.

F. Boundaries following the shoreline of a river, lake, bayou or other body of water shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline.

G. Boundaries indicated as approximately following the center lines of rivers, lakes, bayous or other bodies of water shall be construed to follow such center lines.

H. In every case where land has not been specifically included with a zoning district, the same is hereby declared to be in the SFR District.

Section 390-53. Zoning of vacated areas.
Whenever any street, alley or other public way within the Village is vacated by official governmental action and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically and without further governmental action acquire and be subjected to the same zoning regulations as are applicable to the lands to which same shall attach.

Section 390-54. Zoning of filled lands; uses on or over water.
A. Whenever any fill is placed in any river, lake, bayou or any other body of water, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations and be used for the same purposes as are permitted under this Chapter for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

B. Any use which is located on or over the surface of any river, lake, bayou or other body of water shall be subject to the same zoning regulations and be used for the same purposes as are permitted under this Chapter for the land from which the use emanates.

Section 390-55. Summary tables
A. Table 390-55.01, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail.

B. Table 390-55.02, Schedule of District Regulations provides an overview of the dimensional requirements of this Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail.
C. **Additional standards.** All uses shall conform to all applicable general provisions, as well as Article XVII, Site Plan Review; Article XIV, Landscaping and Screening, Article XV, Signs, and Article XVI, Parking Regulations.

**Table 390-55.01. Permitted and Special Land Uses**

<table>
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<tr>
<th>Land Use</th>
<th>SFR</th>
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<td>Accessory dwellings</td>
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<td>Adult foster care congregate facilities</td>
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<td>Adult foster care small or large group homes</td>
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<td>Assembly operations</td>
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<td>Clubs or lodges</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Day care, group</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational institutions</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farmer’s markets</td>
<td></td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Financial institutions with drive-through facilities</td>
<td>S</td>
<td>S</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Financial institutions, without drive-through facilities</td>
<td>R</td>
<td>R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funeral homes</td>
<td>S</td>
<td></td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Home occupations</td>
<td>R</td>
<td>R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels and motels</td>
<td></td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Indoor recreation facilities</td>
<td></td>
<td>S</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Large places of public assembly</td>
<td>S</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Live/Work</td>
<td></td>
<td>R</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marinas</td>
<td>S</td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Medical clinics</td>
<td></td>
<td></td>
<td>R</td>
<td>R</td>
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<tr>
<td>Land Use</td>
<td>SFR</td>
<td>MFR</td>
<td>CC</td>
<td>CBD</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>-----</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
</tr>
<tr>
<td>Motels and Motels</td>
<td>S</td>
<td>S</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Office buildings</td>
<td>S</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Open air business</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Parks and public facilities</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Personal service establishments</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Professional service establishments</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Residential above retail or offices</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Restaurants with drive-through facilities.</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurants without drive-through facilities</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Retail businesses</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>Senior assisted living facilities</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Short-term rentals</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Single family dwellings, excluding manufactured homes</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family dwellings, including manufactured homes</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small places of public assembly</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tattoo or piercing parlor</td>
<td></td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>Two-family dwellings</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two-family dwellings, only on corner lots</td>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary hospitals</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>Wholesale establishments and warehouses</td>
<td>S</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 390-55.02. Schedule of District Regulations

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Required Setbacks</th>
<th>Minimum Lot Area</th>
<th>Minimum Lot Width</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential (SFR)</td>
<td>25 ft</td>
<td>8 ft</td>
<td>25 ft</td>
<td>8,000 sq ft</td>
<td>66 ft</td>
</tr>
<tr>
<td>Multiple Family Residential (MFR)</td>
<td>25 ft</td>
<td>5 ft</td>
<td>25 ft</td>
<td>8,000 sq ft</td>
<td>66 ft</td>
</tr>
<tr>
<td>Community Commercial (CC)</td>
<td>25 ft</td>
<td>0 ft</td>
<td>25 ft</td>
<td>10,000 sq ft</td>
<td>75 ft</td>
</tr>
<tr>
<td>Central Business District (CBD)</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
</tr>
</tbody>
</table>

D. For complete dimensional standards for the SFR district, see Section 390-57, C.
E. For complete dimensional standards for the MFR district, see Section 390-59, C.
F. For complete dimensional standards for the CC district, see Section 390-61, C.
G. For complete dimensional standards for the CBD district, see Section 390-70, C.
ARTICLE VII SINGLE-FAMILY RESIDENTIAL DISTRICT (SFR)

Section 390-56. Intent.
The intent of this district is to provide for a sound and stable environment for relatively low-density single-family dwellings and other compatible, related uses. Uses and requirements for this district should foster improvement of the living environment for the residents of the Village and ensure quality development. Neighborhoods should be quiet and free of unrelated traffic, although limited, low-impact residentially related land uses may be permitted as described below. Residential streets should be scaled for compatibility between pedestrians and automobiles.

Section 390-57. District summary.
A. Land, buildings and other structures in this zoning district may only be used for the following purposes by right:
   1. Adult foster care family homes
   2. Day care, family
   3. Educational institutions
   4. Home occupations
   5. Parks and public facilities
   6. Single-family dwellings, including manufactured homes
   7. Small places of public assembly
   8. Two-family dwellings, only on corner lots
B. The following special land uses may be approved by the Planning Commission subject to the applicable general and specific standards in Article XVIII:
   1. Accessory dwellings
   2. Adult foster care small or large group homes
   3. Bed and breakfast establishments
   4. Community support facilities
   5. Day care, group
   6. Day care, adult
   7. Funeral homes
   8. Large places of public assembly
   9. Marinas
   10. Office buildings
   11. Short-term rentals
C. Site and building placement standards (Figure 7.1):

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>8,000 sq. ft.</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>66 ft.</td>
</tr>
<tr>
<td>Minimum Setbacks Front</td>
<td>25 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks Side</td>
<td>8 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Setbacks Rear</td>
<td>25 ft.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Floor Area</td>
<td>832 sq. ft.</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>50%</td>
</tr>
</tbody>
</table>

![Diagram of site and building placement standards](image-url)
ARTICLE VIII MULTIPLE FAMILY RESIDENTIAL (MFR)

Section 390-58. Intent.
The intent of this district is to provide for a variety of housing types and compatible, related uses at a moderate to high density of residential development. The primary housing form is multi-unit dwellings. These types of dwellings typically provide common open space and provide housing options with certain accessory uses such as parks, laundry facilities, and garages, among others. Housing developed within this district should have the same degree of living quality expected from any other residential district. Uses within this district should be sensitive to adjacent uses. Building size and form should be compatible to the size and form of neighboring districts and adjacent buildings, so as to enhance the available housing options of local residents without disrupting the continuity and character of existing neighborhoods. This district should be well-integrated into the surrounding community, functioning as a transitional zone between single-family residential uses and higher intensity uses.

Section 390-59. District summary.
A. Land, buildings and other structures in this zoning district may only be used for the following purposes by right:
   1. Adult foster care family homes
   2. Day care, family
   3. Home occupations
   4. Multiple-family dwellings
   5. Single-family dwellings
   6. Two-family dwellings
   7. Parks and public facilities

B. The following special land uses may be approved by the Planning Commission subject to the applicable general and specific standards in Article XVIII:
   1. Accessory dwellings
   2. Adult foster care small and large group homes
   3. Adult foster care congregate facilities
   4. Bed and breakfast establishments
   5. Day care, group
   6. Senior assisted living facilities
   7. Short-term rentals
C. Site and building placement standards (Figure 8.1):

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>8,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>66 ft.</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front:</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side:</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Rear:</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Minimum Dwelling Unit Floor Area</td>
<td></td>
</tr>
<tr>
<td>Single-family and two-family dwellings</td>
<td>832 sq. ft. per unit</td>
</tr>
<tr>
<td>Multi-family dwellings</td>
<td>570 sq. ft. per unit</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>60%</td>
</tr>
<tr>
<td>Maximum Residential Density</td>
<td>8 units per acre</td>
</tr>
</tbody>
</table>

D. Additional Standards.

1. There shall be maintained a minimum distance between adjacent buildings on the same lot of at least fifteen (15) feet.
2. All lots shall be served by public sanitary sewer and water.
ARTICLE IX COMMUNITY COMMERCIAL DISTRICT (C)

Section 390-60. Intent.

It is the intent of the Community Commercial District to encourage the quaint character of the Village through complementary uses that promote the Village’s character and favor pedestrian activity. Properties in this district are established to promote the environment for businesses, protect the integrity of surrounding residential uses, and support a healthy economy by providing a vibrant mix of uses. Careful consideration is given to design elements that enhance the character of the Village and encourage a sense of place in the Village. The uses established in this district are intended to complement one another to provide a concentration of specialty retail and service uses with cultural and social activities that support a high level of nonmotorized activity, but also accommodate vehicular traffic. It is the intent of the design elements to deemphasize the negative impacts of strip commercial development and to strike a balance between the needs of the car and pedestrian by creating pleasant and safe surroundings for pedestrians and adjacent residential uses.

Section 390-61. District summary.

A. Land, buildings and other structures in this zoning district may only be used for the following purposes by right:
   1. Automobile repairs, minor
   2. Convenience stores
   3. Clubs or lodges
   4. Financial institutions, without drive-through facilities
   5. Live/Work
   6. Medical clinics
   7. Office buildings
   8. Parks and public facilities
   9. Personal service establishments
   10. Professional service establishments
   11. Residential above retail or offices
   12. Restaurants without drive-through facilities
   13. Retail businesses

B. The following special land uses may be approved by the Planning Commission subject to the applicable general and specific standards in Article XVIII:
   1. Adult foster care congregate facilities
   2. Automobile wash
   3. Automobile gasoline stations
   4. Automobile repairs, major
5. Assembly operations
6. Bed and breakfast establishments
7. Day care, commercial
8. Funeral homes
9. Financial institutions with drive-through facilities
10. Hotels and Motels
11. Indoor recreation facilities
12. Open air businesses
13. Restaurants with drive-through facilities.
14. Senior assisted living facilities
15. Short term rentals of permitted dwelling units.
16. Veterinary hospitals
17. Wholesale establishments and warehouses

C. Site and building placement standards (Figure 9.1):

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>10,000 sq. ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>75 ft.</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td></td>
</tr>
<tr>
<td>Front:</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Side:</td>
<td>0 ft., subject to Section 390-62 C (9) below</td>
</tr>
<tr>
<td>Rear:</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Minimum Floor Area</td>
<td>N/A</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>75%</td>
</tr>
</tbody>
</table>
Section 390-62. Design standards.

A. Sidewalk and buffer area. Immediately adjacent to the road right-of-way, the following shall be provided (Figure 9.2):

1. A five-foot-wide sidewalk placed on the outermost edge of the public right-of-way to optimize green space between the roadway and a pedestrian, constructed in accordance with Village standards.

2. One street tree for each thirty (30) feet of frontage, consistent with the provisions of Article XIV.

3. Wrought iron fence with brick pier accents shall be provided along the front lot line of any new development or substantially redeveloped property.
B. Parking and access.
1. Only one (1) row of parking may be provided in the front setback and only if there is sufficient space for parking after the required landscape buffer areas are provided.
2. Additional required parking shall be provided in side yards (behind the front building line) or in the rear yard.
3. Driveway improvements, including but not limited to drive consolidation, relocation, drive sharing and cross-access easements, may be required as part of the site plan review process.
4. If the village, MDOT, or a traffic study determines that traffic calming improvements are needed, an application shall be tabled or denied until such time the improvements can be completed.
5. Where property depth permits, a rear access drive shall be provided with cross-access easements or agreements granted to adjacent properties to facilitate movement between properties.

C. Site and building standards. All new structures, major exterior structural renovations, and additions to structures, shall adhere to the following design standards (Figure 9.3):
1. Existing site trees of over ten (10) inches in diameter shall remain on site as much as practical. Building and parking lot placement shall minimize tree loss. The Planning Commission may require a performance guarantee for tree preservation and/or replacement.
2. All new structures shall incorporate the following design elements:
a. Between forty (40) and sixty (60) percent of the exterior building wall of any principal building fronting a street shall consist of transparent windows.

b. Windows shall be provided on one side elevation but are not required on rear elevations.

3. Blank walls shall not face a street. For building facades exceeding seventy-five (75) feet in length which face streets, rights-of-way and/or parks, no more than thirty (30) feet of horizontal distance of wall shall be provided without articulation or architectural design variations to assure that the building is not monotonous in appearance and to give buildings the appearance of small individual storefronts.

a. Acceptable variations include, but are not limited to:

1) Recesses and projections along the building facade; variations in depth must be a minimum of eighteen (18) inches.

2) Architectural details or features such as arches; changes in vertical elements such as towers, cupolas, or changes in roof design; contrasting bases, masonry courses, or molding; pilasters and columns; stone accents; colonnades; or porches.

3) Enhanced ornamentation around building entryways; ornamentation may include, but is not limited to, canopies, paving treatments, change in roofline, porticos, larger door openings and display windows, accent colors, arches, arcades, distinctive door pulls, decorative lighting and planters.

b. The thirty (30) foot requirement may be modified by the Planning Commission by up to five (5) feet depending on actual building design, entry placement, and other factors that make the thirty (30) foot requirement impractical.

4. The adaptive reuse of existing structures is preferred over demolition of existing structures.

5. Building materials for front and side elevations shall only consist of the following:

a. Brick or composite mimicking brick.

b. Stone or composite mimicking stone.

c. Nonreflective glass.

d. Horizontal clapboard siding.

e. Commercial-grade horizontal vinyl siding mimicking wood (at least 0.44 inch thickness).

6. Window awnings shall be consistent with designs depicted in the Village Design Manual insofar as practicable. High-gloss or bubble awnings are prohibited.

7. In no case shall vertical siding, cinder blocks, or sheet metal be considered an acceptable building cover.

8. All sides of a building shall be finished with complimentary color and materials as the major facade containing the principal customer service entrance.
9. Zero (0) lot line may be permitted on one (1) side yard, provided there is a minimum distance of ten (10) feet between structures. Shared walls may be permitted with adjacent properties, provided the separation wall is properly fire-rated.

10. In addition to a sidewalk, the Planning Commission may require pedestrian ties between properties and to adjacent neighborhoods, parks, and/or nonmotorized trails.

11. Sidewalk and trail accents that carry on the theme of brick pavers or textured and contrasting materials currently found in the district are strongly encouraged.

12. The Planning Commission may require, during the site plan review process, on-site public amenities along street frontages, including but not limited to trash receptacles, bike racks, seating areas and similar facilities where appropriate.

13. Special provision is made for applying the standards of this article to developed sites which existed prior to the adoption of this article. Therefore, when an existing site is undergoing improvement or expansion, the objective of this article is to gradually transition the existing site into compliance with the minimum standards of this article in relation to the extent of the expansion or change on the site.

   a. Additions to existing buildings which are twenty (20) percent or less of the existing building square footage may be permitted to continue the existing roofline and siding materials where the existing roof and siding materials are in very good condition and unlikely to need upgrading or replacement in the near future.

   b. Alterations to existing buildings, the cost of which is less than half (1/2) the value of the building, as determined by the most recent assessment for purposes of taxation, exclusive of the market value of the land, may be permitted to match existing exterior materials and design, provided the structure is in good condition at the time of the alterations.

   c. In the case of a building addition or alteration which meets the criteria established in (a) and (b) above, the design standards in Section 390-62 may be modified by the Village, provided that the overall purpose and intent of this Article is fulfilled to the greatest extent feasible.
Section 390-63. Exceptions.

A. For the purpose of this section, an "exception" is defined as a modification of one (1) or more of the requirements of this article.

B. Exceptions. Exceptions from the requirements of Section 390-62 may be granted by the Planning Commission as part of the site plan review process if the following criteria are met:

1. The proposed construction is consistent with the overall intent of these minimum design standards and requirements;

2. The applicant proves a practical difficulty in complying fully with the provisions of this article, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards and requirements;

3. That the exception is no more than what is necessary to relieve the applicant's practical difficulty; and

4. That the site plan otherwise meets the requirements of this Chapter.
ARTICLE X RESERVED
ARTICLE XI, CENTRAL BUSINESS DISTRICT (CBD)

Section 390-69. Intent.

It is the intent of this district to provide a central shopping and service area within a traditional downtown atmosphere which favors pedestrian activity and the consolidated design concepts of a traditional downtown main street. The uses established in this district are intended to complement one another to provide for the needs of these shoppers, along with cultural and social activities that support a high level of nonmotorized activity. The district is further established to improve the sense of place in the Village, improve the environment for business, to support a healthy economy by providing a vibrant mix of uses, and to strike a balance between the needs of the car and pedestrian by creating pleasant and safe surroundings.

Section 390-70. District summary.

A. Land, buildings and other structures in this zoning district may only be used for the following purposes by right:
   1. Convenience stores
   2. Financial institutions without drive-through facilities
   3. Medical clinics
   4. Office buildings
   5. Personal service establishments
   6. Professional service establishments
   7. Parks and public facilities
   8. Residential above retail or offices
   9. Restaurants without drive-through facilities
  10. Retail businesses
  11. Short term rentals of permitted dwelling units.

B. The following special land uses may be approved by the Planning Commission subject to the applicable general and specific standards in Article XVIII:
   1. Automobile gasoline stations
   2. Automobile repairs, minor
   3. Automobile repairs, major
   4. Automobile wash
   5. Farmer’s markets
   6. Financial institutions, with drive-through facilities.
   7. Funeral homes
   8. Hotels and motels
   9. Indoor recreation facilities
10. Marinas
11. Open air business
12. Restaurants with drive-through facilities
13. Tattoo or piercing parlor
14. Veterinary hospitals

C. Site and building placement standards (Figure 11.1):

<table>
<thead>
<tr>
<th>Minimum Lot Area</th>
<th>None</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Width</td>
<td>None</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td>None</td>
</tr>
<tr>
<td>Front:</td>
<td>None</td>
</tr>
<tr>
<td>Side:</td>
<td>None</td>
</tr>
<tr>
<td>Rear:</td>
<td>None</td>
</tr>
<tr>
<td>Minimum Floor Area</td>
<td>None</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45 feet</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>None</td>
</tr>
</tbody>
</table>

![Figure 11.1 Central Business District Site and Building Placement Standards](image)
Section 390-71. Design standards.

With the exception of single-family structures, all new structures, major exterior structural renovations, or additions to structures, shall adhere to the following design standards (Figure 11.2):

A. All structures shall be a minimum of two stories in height except that additions to existing one-story structures may be one story in height if the square footage of the addition is less than 570 square feet.

B. All buildings with flat roofs shall include parapet articulation on the facade(s) of each building facing the street.

C. No side yards are permitted except that one pedestrian accessway may be developed to access the rear of the site, subject to Planning Commission approval during the site plan review process. In no case shall there be another such pedestrian accessway within 100 feet unless approved by the Planning Commission. Accessways shall be landscaped in accordance with the provisions of this Chapter. Accessway width shall be a minimum of five feet and a maximum of 10 feet in width.

D. Buildings shall adjoin and align with neighboring structures to form a consistent streetwall. If an adjacent structure does not exist, the front setback shall be no more than 15 feet from the street right-of-way line. The front yard, if provided, shall be landscaped in accordance with the provisions of this Chapter and have appropriate amenities (benches, bike racks, etc.) to enhance the street atmosphere.

E. Detached accessory structures shall be behind the principal building.

F. No off-street parking or delivery areas shall be permitted in the front yard of the property.

G. Any facade facing the street or rear yard shall have an entrance for the public. Where building frontages exceed 50 feet in width, doors, or entrances with public access shall be provided at intervals averaging no greater than 50 feet apart.

H. For buildings facing the street, no more than 50 feet of horizontal distance of wall shall be provided without articulation of architectural design variations to assure that the building is not monotonous in appearance. Acceptable variations include, but are not limited to, the following:

1. Recess and projections along the building facade. Variation in depth must be a minimum of eighteen (18) inches.

2. Architectural details or features such as arches; changes in vertical elements such as towers, cupolas, or changes in roof design; contrasting bases, masonry courses, or molding; pilasters and columns; stone accents; colonnades; or porches.

3. Enhanced ornamentation around building entryways, such as canopies, paving treatments, change in roofline, porticos, larger door openings and display windows, accent colors, arches, arcades, distinctive door pulls, decorative lighting and planters.

I. All building walls which face a street shall be comprised of at least 60% windows on the first floor and at least 40% windows on upper floors. Windows on upper floors shall be vertically oriented, rectangular windows with lintels and sills. Reflective glass, bronze-tinted glass, and
frosted materials shall be prohibited for ground floors and strongly discouraged on upper floors. Window glazing shall be recessed from the outside of all building walls.

J. Window awnings shall mimic classic design depicted in the Village Design Manual. High-gloss or bubble awnings are prohibited.

K. Non-windowed areas of the first story of structures shall be comprised of any combination of the following:
   1. Brick or composite mimicking brick;
   2. Decorative concrete block;
   3. Stone or composite mimicking stone;
   4. Horizontal clapboard siding;
   5. Commercial-grade horizontal vinyl siding mimicking wood (at least 0.44 gauge).

L. Areas above the first story may also be comprised of stucco or cement board.

M. In no case shall vertical siding, cinder block, or sheet metal be considered an acceptable building cover.

N. All development shall be adequately served by a sidewalk at least five (5) feet in width or as otherwise required by the Village.

Section 390-72. Exceptions.

A. For the purpose of this section, an "exception" may be defined as a request to waive one or more or the requirements of Section 390-71 above.
B. Exceptions, as defined in this section, shall be reviewed by the Planning Commission through a site plan review process. Exceptions to the requirements may be approved by the Planning Commission upon a finding that the following criteria are met:

1. The proposed construction is consistent with the overall intent of these minimum design requirements; and

2. The applicant proves a practical difficulty in complying with the provisions of Section 390-71, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these requirements;

3. That the site plan meets the requirements of this Chapter;

4. That the exception is no more than what is necessary to relieve the applicant's practical difficulty.
ARTICLE XII PLANNED UNIT DEVELOPMENT (PUD)

Section 390-73. Intent.

A. Planned unit developments (PUDs) in the Village may be established in any zoning district when approved by the Village Council in accordance with the procedures specified in this article.

B. The primary purpose of this article is to encourage the creation of desirable and efficient working and/or living environments that are designed and developed as integrated projects with harmonious land uses and compatibility with surrounding areas and natural features. It is the intent of this article to authorize the consideration and use of a PUD for some or all of the following purposes:

1. Provide for flexibility in the regulation of land development;
2. Encourage innovation in land use and variety in design, layout, and type of buildings and structures;
3. Achieve economy, efficiency and sustainability in the use of land, natural and historical resources, energy, and the provision of public services and utilities;
4. Encourage the use of land in accordance with its character and adaptability;
5. Encourage useful open space;
6. Promote the enhancement of housing diversity, employment, traffic circulation, pedestrian movement, and recreational opportunities for the residents of the Village;
7. Provide for the regulation of a variety of land uses not otherwise authorized within a single zoning district;
8. Create better living, working, and shopping environments; and
9. Create developments that achieve the standards and best practices of smart growth and sustainable, energy efficient design.

C. In order to accomplish these objectives, this article permits variation from the conventional requirements found in the underlying zoning district(s). The use of land and the construction and use of buildings and other structures as a PUD shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this article.

Section 390-74. Qualifying conditions.

In order to qualify for PUD, the following qualifying conditions shall be satisfied:

A. A PUD may be considered for any property in the Village. However, the applicant must demonstrate that the PUD would result in recognizable and substantial benefits to the ultimate users of a development and to the community in general, where such benefits would be unfeasible or unlikely to be achieved under the conventional requirements of this Ordinance.

B. A PUD shall be served adequately by essential public facilities and services, such as streets, pedestrian ways, police and fire protection, drainage structures, refuse disposal, water and sewer, electricity, natural gas, and telecommunications.
C. A PUD shall be compatible with the capacities of public services and facilities it may affect.

D. The parcel shall be under the control of one owner or the subject of an application filed jointly by the owners of all properties and shall be capable of being planned and developed as one integral unit. Applications for a PUD must be made with the written authorization of all owners of the site. If a PUD application is filed by a prospective purchaser or option holder, written consent of all property owners must be submitted as evidence of their concurrence with the PUD application.

E. A PUD shall result in a development that is substantially consistent with the goals and objectives of the Village’s Master Plan, including, but not limited to creating a walkable, sustainable, and attractive community and protecting reasonable waterfront views and access for all waterfront developments.

Section 390-75. Site development requirements.

A. Permitted Uses. Any principal or accessory land use permitted in any zoning district, either as a use by right or a special land use under this ordinance, or any combination of such uses, may be considered within the PUD district. Provided, however, that the Planning Commission and the Village Council must reach a finding that all such proposed uses and the impacts they may generate on one another and on the surrounding community shall be generally compatible and harmonious with one another.

B. Density.

1. For PUDs located in non-residential districts, the maximum number of dwelling units permitted in a PUD shall be determined by the Planning Commission in consideration of the master plan, existing and future surrounding land uses, capacity of public utilities and services, and other applicable factors.

2. The total amount of land to be used for the calculation of the permitted density in a PUD in subsection 1 above shall be determined by using the net developable area, which shall be determined by taking the total site area and subtracting lands used or dedicated for existing public easements and existing rights-of-way for streets or private roads.

3. Land not proposed for development and not used or dedicated for existing street or private road rights-of-way or other infrastructure, but used for the calculation of overall density, shall be considered open space and subject to the requirements of 390-75 C below.

C. Open space.

1. When open space is proposed as part of a PUD, it shall be large enough and of proper dimensions to contribute significantly to the intent of the PUD.

2. Open Space Maintenance.
   a. All Open Spaces shall be in the joint ownership of the property owners within the PUD. A property owners' association shall be formed which shall take responsibility for the maintenance of the Open Space. Alternatively, evidence shall be given that satisfactory arrangements will be made for the maintenance of the Open Space land to relieve the Village of its future maintenance.
b. The applicant for the proposed PUD shall provide the Village with a recordable maintenance or restrictive covenant agreement among the owners of the Open Space, or other documentation satisfactory to the Village which shall provide for and assure that the Open Space shall be preserved in perpetuity and maintained as needed. Open Space may be deed restricted, placed in a conservation easement, or otherwise held as Open Space in perpetuity. Suitable recorded instruments shall be submitted to the Village for review prior to final approval of the PUD.

D. Every PUD shall adhere to the standards of the underlying zoning district, unless specifically waived by the PUD approval. The proposed plan shall support the intent of the underlying zoning district and sections 390-74 and 390-75 of this article.

E. Every PUD shall adhere to the minimum design standards of the CBD Zoning District and the principles of the Village Design Manual, except that the Planning Commission may waive these standards under the following conditions:

1. Minimum height may be waived if a taller structure would not fit the character of the immediate vicinity.
2. Building material standards may be waived for building faces not in the immediate view of the public.
3. Shared wall requirements would not be practical in the scope of the proposed design.

Section 390-76. General application procedures.

A. The following steps, which are outlined in Sections 390-77 through 390-81, shall apply to all applications for PUD approval, whether residential, non-residential, or mixed use:

1. Pre-application Conference. Prior to the submission of an application for a PUD, the applicant shall meet with the Village for initial review.
2. PUD Preliminary Review and PUD Rezoning.
   a. The Planning Commission shall review the preliminary development plan, hold a public hearing, and make a written recommendation to the Village Council.
   b. The Village Council shall hold a public hearing, review the final PUD development plan for the entire project or for each phase of the project as identified in the preliminary development plan review, and the written recommendation and findings from the Planning Commission, and make a final decision.
3. PUD Final Site Development Plan Review. The Planning Commission shall review the PUD final site development plan in accordance with Article XVII of this Ordinance. During the final development plan review, a PUD Agreement will also be developed by the Planning Commission with final approval by the Village Council.

B. Either concurrently with the PUD plan application, or upon approval by the Village Council (with or without conditions), the applicant may apply for preliminary plat approval, condominium approval, and private road approval, as applicable.

Section 390-77. Pre-application conference.

A. Information Required. Prior to the submission of an application for a PUD, the applicant shall meet with the Planner, Zoning Administrator, and any other individuals designated by...
the Village Manager. The applicant shall demonstrate that the proposed PUD will satisfy the intent of this article, set forth in Section 390-73, and present at such conference a sketch plan of the development. The pre-application conference shall include the following information:

1. A description of the property and disclosure of ownership interest;
2. Total number of acres included in the project;
3. The principal objectives of the PUD; identification of its prospective users and their needs; and why this site is appropriate for those objectives and those users;
4. A description of proposed land uses including the approximate number of residential units and/or approximate number/type and square footages of nonresidential development. This shall include the general development concept, including structures to be retained, remodeled or demolished, an overall architectural concept or development theme, and markets to be served by the development;
5. A conceptual plan showing significant natural features, vehicular and pedestrian circulation;
6. A general description of any departures from the regulations of this article which may be requested;
7. The relationship of the development to the surrounding neighborhood;
8. The approximate area of the proposed PUD to be devoted to each use;
9. A description of how the proposed PUD will relate to the goals and objectives of the Village’s Master Plan;
10. All known natural resources, historical sites and natural features including any views from the site to important natural features and any impediments to development;
11. The benefits that are expected to result from the PUD pertaining to the subject site;
12. If the plan is to be carried out in phases, a description of the phases and approximate time frame for each phase.

B. Based on the information presented, the Village may advise the applicant of possible issues and concerns the Village may want addressed should the PUD application be submitted. However, any such initial input or response from the Village shall not be considered binding, nor shall it be construed to indicate any preliminary approval of the proposed PUD.

Section 390-78. Preliminary development plan and rezoning request.

A. Following the pre-application conference, the applicant shall submit fourteen (14) copies of a complete application for review of a preliminary development plan to the Zoning Administrator at least 30 days prior to review by the Planning Commission.

B. The PUD plan shall be prepared by a licensed professional engineer, community planner, or architect and shall be accompanied by an application form and fee as determined by the Village Council. Such application shall contain all of the following information, unless specifically waived by the Planning Commission upon recommendation of the Zoning Administrator:
1. **General Information.**
   a. Information required for the pre-application conference.
   b. Name, address, and phone number of the applicant.
   c. Name, address, and seal of the professional engineer, planner or architect that prepared the plan.
   d. Legal description of property including common street address(es).
   e. Land use and zoning of adjacent properties and approaches planned to achieve a gradual transition between the proposed PUD and the surrounding neighborhood.
   f. All lot or property lines with dimensions.
   g. Acreage (gross and net).
   h. Existing site conditions:
      1) Boundary survey lines and setbacks;
      2) Topographic survey including date, north arrow, and scale, which shall not be more than $1' = 100'$.
      3) A small-scale sketch of the vicinity of the subject property, locating the property in relation to properties, structures, streets and uses within five hundred (500) feet of the PUD.
      4) General location of all buildings within one hundred (100) feet of the property lines.
      5) Location of existing vegetation and natural features.
      6) Location and dimensions of existing buildings, structures, paved surfaces and areas, installed landscaping, and other significant physical infrastructure.
      7) All areas within the Waterfront Overlay district as defined in accordance with Article XIII of this Zoning Ordinance.
      8) Size and location of existing utilities and status, where applicable.
   i. Proposed development:
      1) General location, size, and architectural character of all proposed structures on the site, including building elevations and footprints.
      2) General location and dimensions of all proposed streets, private roads, driveways, and parking areas, including total number of spaces and typical dimensions.
      3) General size and location of all areas devoted to open space.
      4) General location and size of proposed landscaped areas and buffer areas.
      5) A general signage plan, showing the type, location, and dimensions of all signs.
      6) A plan for debris and snow management and dust abatement during construction. Layout of sidewalks and/or pathways, both internal to the development and along the main street frontage.
7) An illustration of parking areas including traffic flow diagrams and a detailed estimate of parking demand based on all proposed uses.

8) Conceptual plan for provision of public water and public sanitary sewer services.

9) Conceptual grading plan.

10) Conceptual stormwater plan.

2. Additional Information.
   a. A narrative describing:
      1) The nature and concept of the project.
      2) The proposed density, number, and types of dwelling units if a residential PUD.
      3) How the proposed PUD meets the objectives of this article.
      4) The legal mechanisms and structures proposed to assure the perpetual maintenance of any open space proposed.
      5) How the proposed project will be served by public water, sanitary sewer, storm drainage, electric, gas, and telecommunications.
      6) The phasing plan or staging plan, if applicable.
      7) Proof of ownership or legal interest in the property.
   b. The Planning Commission may require additional information from the applicant to better assist in the determination of PUD qualification such as, but not limited to, market studies, fiscal impact analysis, traffic impact studies, and environmental impact assessments.

   1. The Planning Commission shall review the PUD plan at a regular or special meeting and shall hold a public hearing. Notice of a public hearing shall be provided in accordance with the requirements of Section 390-151 of the Michigan Zoning Enabling Act of 2006, as amended.

   2. The Planning Commission shall review the PUD plan in consideration of public comments, technical reviews from Village staff and consultants, and other applicable standards and requirements. Within a reasonable timeframe, the Planning Commission shall make a recommendation on the proposed PUD preliminary development plan to the Village Council. The recommendations of the Planning Commission shall be transmitted in written form to the applicant, and a copy of such recommendations transmitted to the Village Council.

   3. In order to recommend approval of the PUD plan and PUD rezoning, the Planning Commission shall find that the standards of Section 390-80 are satisfied.

   1. Upon a recommendation of a PUD plan and PUD rezoning by the Planning Commission, a public hearing of the Village Council shall be scheduled in accordance with the Michigan Zoning Enabling Act, as amended.
2. After the public hearing, the Village Council shall review the application in consideration of the Planning Commission’s written recommendation, public hearing comments, technical reviews from Village staff and consultants, and other applicable standards and requirements. Within a reasonable time, the Village Council shall approve, deny, or approve with conditions the PUD preliminary development plan and PUD rezoning.

3. Approval of the PUD plan and PUD rezoning by the Village Council shall be incorporated into a rezoning amendment to the zoning ordinance and map. Such rezoning and PUD plan approval shall become effective after notification and publication as required by the Michigan Zoning Enabling Act, as amended.

4. The PUD, including the preliminary development plan as approved, the incorporated narrative, and all conditions imposed shall constitute the land use authorization for the property. Such authorization shall remain in effect for a period of one (1) year from the date of approval by the Village Council, unless a longer period is granted. Uses not specifically identified in the preliminary development plan shall not be permitted. All improvements and uses shall be in conformity with this amendment, except as permitted by Section 390-83. During the period of effectiveness of the preliminary development plan, the applicant shall be permitted to submit one (or more if the project is to be proposed in phases) site plan applications seeking final development plan approval pursuant to Section 390-81.

5. In all instances, the Village Council may impose conditions with approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this article. Such conditions shall be considered an integral part of the PUD approval and shall be enforceable by the Village.

6. In the event that an application for a final development plan is not submitted within the time limits set forth in the approved preliminary concept development plan and any extensions thereof that may be permitted and approved, the approval granted under this article shall expire, and the planning commission may initiate rezoning proceedings to an appropriate zoning district.

7. Prior to commencement of construction, the applicant and the Village shall enter into a Planned Unit Development Agreement, which shall incorporate the approved final development plan, relevant dates of approval, the legal description of the property, all relevant conditions of approval, and a statement that the property shall be developed in accordance with the approved PUD preliminary development plan and any conditions imposed by the Village Council or planning commission, unless an amendment is approved pursuant to Section 390-83. Such agreement shall be drafted in a form acceptable to the Village attorney and shall be recorded with the Ottawa County Register of Deeds prior to the commencement of construction.

Section 390-79. Appeals.

The Zoning Board of Appeals shall have no authority to hear appeals regarding a decision on a PUD.
Section 390-80. Standards for approval.

The Planning Commission and Village Council shall approve a PUD only if it complies with each of the following standards:

A. The proposed PUD is consistent with and promotes the intent of this article and represents a development opportunity for the community that could not be achieved through conventional zoning.

B. The proposed PUD complies with all of the qualifying conditions of Section 390-74.

C. The proposed PUD shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment that will be detrimental to the public health, safety and welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, dust, or glare.

D. The proposed type and density of use shall be compatible with the capacities of the public services and facilities it may affect, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.

E. The proposed development shall be compatible with the adopted master plan of the village and shall be consistent with the intent and spirit of this article.

F. Safe and efficient ingress and egress has been provided to the property, with particular reference to pedestrian safety and convenience, traffic flow and control and access in case of fire or other emergency.

G. The proposed PUD shall be designed, constructed, and maintained to be an integrated and harmonious development, appropriate in appearance with the existing or intended character of adjacent property, the surrounding uses of land, the natural environment, the capacity of public services and facilities affected by the development.

H. The proposed PUD shall satisfy all applicable local, state, and federal laws, rules, and regulations.

Section 390-81. Planning Commission review of final site development plan.

A. Submittal. After receiving approval of the preliminary development plan by the Village Council, the applicant shall submit twelve (12) copies of a final site development plan for review and approval by the Planning Commission prior to starting any construction. The final site development plan shall be submitted at least 21 days prior to the meeting at which the plan will be considered by the Planning Commission. The plan shall contain the same information required for the preliminary development plan along with the following:

1. A completed application form, supplied by the Zoning Administrator;

2. Payment of a fee, as established by the Village Council;

3. A written response to the findings, review comments, and conditions, if any, from the Planning Commission and Village Council review of the preliminary development plan and a narrative explanation of the changes made to the final development plan in response to those items.

4. Evidence that all required permits, other than Building permits, have been obtained, as applicable, from County, State, and/or Federal agencies; and
5. A Site Plan containing all of the information required in Article XVII (Site Plan Review); provided, individual Detached Single-Family Dwellings need not be shown on the plan. For developments consisting of three (3) or more phases, a plan meeting the requirements of Section 390-78 may be submitted for the overall PUD and a detailed plan as required for final site development plan may be submitted for the first phase. Each subsequent phase shall be reviewed in the same manner.

6. Final plans for water and sanitary sewer services, stormwater management, site grading, and similar items for which conceptual or general plans were required in Section 390-78.B.2.a (5).

B. Standards for Final Site Development Plan Approval. Upon receipt of a complete application for final site development plan, the Planning Commission shall review said application and either approve, deny, or approve with conditions the final site development plan. In making its decision, the Planning Commission shall find that the proposed PUD meets the intent and qualifying conditions of this article and that it is in conformance with the preliminary development plan and the conditions, if any, of the PUD approval. If it is determined that the final site development plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Section 390-77 through Section 390-78 of this Ordinance.

C. Conditions.

1. In approving a final site development plan, the Planning Commission may impose reasonable conditions. Conditions imposed shall meet all of the following requirements:

   a. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

   b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

   c. Be necessary to meet the intent and purpose of this article and the preliminary development plan, be related to the standards established in this article for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

2. The conditions imposed with respect to the approval of a PUD final development plan shall be recorded in the record of the approval action and shall remain unchanged except according to Section 390-83. The Planning Commission shall maintain a record of conditions which are unchanged. The final site development plan, as approved, shall act as a restriction upon the development. The development must conform with the final development plan, and no building permit shall be issued for any improvements that are not in compliance with said plan.

Section 390-82. Performance guarantees.

The planning commission may require a performance bond or similar guarantee in order to ensure the completion of required improvements pursuant to Section 390-153 of this Ordinance.
Section 390-83. Changes to approved PUD.

Changes to an approved PUD shall be permitted only under the following circumstances.

A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.

B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include any of the following.

1. Reduction of the size of any building or sign;
2. Movement of buildings or signs by no more than 10 feet;
3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent;
4. Changes in floor plans, of up to 5% of the total floor area of all buildings, which do not alter the character of the use or increase the amount of required parking;
5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design;
6. Changes required or requested by the Village, the county, or other state or federal regulatory agency in order to conform to other laws or regulations;
7. Change of phases or sequence of phases, only if all phases of the PUD have received final approval.
8. Other changes determined by the Zoning Administrator to be minor changes.

C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the final development plan and shall be processed in the same manner as the original PUD application, including both preliminary and final development plan review (although the Planning Commission is not required to hold a public hearing in this context).

Section 390-84. Time limit for approved PUD; extensions.

A. For each approved PUD, construction shall be commenced and shall proceed meaningfully toward completion within one (1) year from the date of the approval of the final development plan by the Planning Commission, or a longer period established per Section 380-78.D.4. If the Zoning Administrator determines this requirement is not being complied with, the Zoning Administrator shall notify the owner/applicant in writing at least 14 days prior to the expiration of this one-year time period.

B. The owner or applicant of the PUD may apply to the Planning Commission for one extension of the original approval for an additional term of one year. The Planning Commission may, in its discretion, authorize this extension. In considering such authorization, the Planning Commission shall consider the following standards:

1. The PUD has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant.
2. The PUD has a likelihood of now proceeding.

C. If the PUD has not commenced and proceeded meaningfully towards completion at the end of the initial one-year or longer time period, or the one permitted extension thereof, then the PUD approval shall be automatically invalid and void.
ARTICLE XIII WATERFRONT OVERLAY DISTRICT (WOD)

Section 390-85. Intent.
The Waterfront Overlay District is a supplementary zoning district which applies to designated lands, as shown on the Zoning Map, simultaneously with one of the other zoning districts established in this Chapter, hereinafter referred to as the "underlying" zoning district. Lands included in the Waterfront Overlay District are characterized by uses which are strongly oriented toward recreational experience and enjoyment of the waterways and shorelines of the Village. It is the intent of the Waterfront Overlay District to provide regulations in addition to those contained in the underlying zoning district pertaining to lands located in the resort waterfront areas of the Village. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of resort waterfront properties and to ensure that structures and uses in this zoning district are compatible with and protect these unique attributes.

Section 390-86. Permitted uses.
Land, structures and buildings in this zoning district may be used only for those uses listed as either a permitted use or special land use in the underlying zoning district in which the land is located.

Section 390-87. Design requirements for waterfront development.
All waterfront developments shall be designed and constructed in conformance with the following requirements:

A. Waterfront developments shall maintain, to a reasonable extent, open and unobstructed views to the waterfront from adjacent properties, roadways, and pedestrian ways.

B. Waterfront developments shall be designed to provide uninterrupted public pedestrian access to and/or along the shoreline of the property at locations as required by the Planning Commission. The waterfront development shall provide a duly recorded, public pedestrian access easement to accomplish such access, and shall include construction of improved pedestrian pathways or walkways in accordance with standards established by the Village for such purpose.

C. When construction of the pedestrian pathways required in Subsection B, above, would not result in a functional or useful pedestrian circulation route, because of the lack of completion of planned facilities on adjacent property(ies), the construction of such pathways may be deferred, provided that such construction shall be secured by a performance guarantee in accordance with Section 390-153 of this ordinance.

D. The design of waterfront developments shall take into account environmental factors that affect the shoreline, in particular, erosion, pollution, and protection of wildlife. Applicants shall present evidence which demonstrates that these factors have been considered and adequately addressed.

E. Waterfront developments shall be designed in accordance with the site plan review standards contained in Article XVII.
Section 390-88. District regulations.

A. Regulations pertaining to minimum lot area, minimum lot width, required yards, and minimum residential floor area shall be as required by the underlying zoning district.

B. Maximum building height shall be subject to the following limitations, unless the requirements of the underlying zoning district are more restrictive, in which case the limitations of the underlying zoning district shall be satisfied (Figure 13.1).

1. When any part of a building is located less than 50 feet from a shoreline, the part of the building so located shall be subject to a maximum building height of 25 feet.

2. When any part of a building is located between 50 feet and 100 feet from a shoreline, the part of the building so located shall be subject to a maximum building height of 35 feet.

3. When any part of a building is located greater than 100 feet from a shoreline, the part of the building so located shall be subject to the maximum building height limitations of the underlying zoning district.

C. All other applicable district regulations shall be those provided for in the underlying zoning district, except that, where more than one limitation applies, the more restrictive of the two limitations shall apply.
ARTICLE XIV LANDSCAPING & SCREENING

Section 390-89. Intent.
The provisions in this article are intended to set minimum standards for the design, installation, and maintenance of landscaping, greenbelts, and screening for the protection and enhancement of the Village's environment. Landscaping and screening enhances the visual image of the Village, preserves natural features, improves property values, and alleviates the impact of noise, traffic, and visual distraction associated with certain uses. The intent of these provisions includes, but is not limited to the following:

A. Promote the implementation of the Master Plan and promote values of a Tree City USA community;
B. Define, articulate, and integrate outdoor spaces, architectural elements, and various site elements;
C. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way;
D. Protect and preserve the appearance, character, and value of the residential uses that abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety, and welfare, by requiring complementary landscaping treatments and providing transitional areas adjacent to natural areas;
E. Reduce soil erosion and depletion by utilizing vegetative root systems to stabilize soils and foliage to reduce the effects of erosive winds and water;
F. Increase stormwater retention and slow the movement of water, thereby helping to prevent flooding;
G. Provide reasonable standards to bring developed sites, which existed prior to the adoption of these standards, into compliance with the requirements contained herein;
H. Recognize and preserve natural areas such as woodlands, wetlands, and floodplains within and adjacent to a development site;
I. Encourage the preservation of larger, native trees that, once destroyed, can only be replaced after generations; and
J. Support wildlife and natural systems through the planting of native vegetation.

Section 390-90. Applicability.
The regulations of this article are applicable to all proposed developments requiring a site plan per Section 390-122, any new parking lot, and any addition of 10 or more spaces to an existing parking lot.

Section 390-91. Landscape plan.
Whenever a landscape screen or landscape planting is required by the provisions of this Ordinance, a landscape plan shall be provided for review by the Zoning Administrator and/or Planning Commission. The landscape plan shall demonstrate that all requirements of this article are met, and shall at a minimum, include the following information:
A. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, parcel lines, parcel area and north arrow.

B. The minimum scale of the drawing shall be one (1) inch equals thirty (30) feet.

C. Contour lines at minimum two (2) foot intervals shall be shown.

D. Proposed and existing man-made features, including buildings, structures, and parking areas.

E. Setback lines and their dimensions.

F. Location of existing and proposed driveways and curb cuts, if any.

G. Location of existing public and private rights-of-way and easements contiguous to and on the property.

H. Natural features, including trees with a diameter at breast height of three (3) inches or more, water bodies and wetlands, high-risk erosion areas, slopes in excess of twenty-five (25) percent, drainage and similar features; and an indication of which features would be preserved.

I. Proposed location of plantings, spacing between plantings, height and size at time of planting, type of plantings (common and botanical names), and other elements to illustrate compliance with the standards of this article.

J. Description of the types of equipment and methods to be used to irrigate the required landscape areas, if any.

K. A landscape maintenance program, including a statement that all diseased, damaged or dead materials shall be replaced in accordance with the standards of this section and identifying the individual(s) or business(s) who will be responsible for continued maintenance of the landscaping.

L. A detailed description of either written or graphic form, indicating the applicant's plans to protect the existing trees to be preserved from damage during site development and construction such as dripline fencing, tree wells and culverts.

M. Location, height, elevation/section and material of proposed screening walls, fencing, retaining walls, and berming. Berms are to be delineated by one-foot contours.

N. Where berms are used, the plan shall depict a typical cross section including the slope, height, and width of the berm and the type of ground cover. Where a wall is used, the landscape plan shall depict typical cross sections of the wall construction and footings.

O. Calculation verifying minimum landscape requirements such as quantities/areas of plantings for parking areas, screening areas, or greenbelts.

P. Any other information as may be required by the zoning administrator to aid in the review of the site plan.

Q. The Zoning Administrator may permit less information to be shown on the landscape plan based on the scope and scale of the project.

Section 390-92. General requirements.
The following general requirements shall be met by all landscaping plans.
A. **Occupancy certificates.** All required screens, buffer areas, and landscaping plantings shall be planted in accordance with the approved landscape plan, and a certificate of occupancy shall not be issued until the screen, buffer area, and landscape planting has been completed in accordance with the approved plan. If a use is ready for occupancy between November 1 and March 31, a temporary certificate of occupancy may be issued, provided a performance guarantee, as regulated in Section 390-153, has been provided in an amount equal to the estimated cost of the landscape improvements. In any case, all required landscaping must be complete by June 1 following issuance of the temporary certificate of occupancy.

B. **Disturbed ground areas.** All disturbed ground areas shall be stabilized with dense vegetative materials, including grass, shrubs, and ground covers consistent with these provisions. Native, low maintenance ground cover is encouraged.

C. **Density of Trees.** Trees shall be planted on non-residential parcels at a rate of at least one tree per one-thousand square feet of any unpaved open area for which specific landscaping requirements do not apply.

D. **Street Trees.** Where a parkway exists or is proposed, street trees shall be planted within the parkway along public and private streets in all developments requiring site plan approval.
   1. Street trees shall be deciduous and capable of achieving a mature canopy diameter of at least twenty-five (25) feet;
   2. Provide branching structures which naturally grow, have been trained, or will be pruned to at least seven (7) feet above pedestrian and fourteen (14) feet above vehicular traffic areas;
   3. Shall be planted thirty (30) feet on center; and
   4. Be tolerant of urban conditions, such as pollution, salt, and drought. See the list of Suggested Native Plant Species in this section for several suitable street tree varieties.

E. **Irrigation.** Methods of temporary and permanent irrigation for trees and all landscape areas must be specified. Landscape areas larger than one-thousand (1,000) square feet in area and landscape areas within parking lots shall be provided with an underground irrigation system. To encourage sustainable landscape practices and the use of natural water sources, the Planning Commission may approve an acceptable alternative water supply if the applicant/owner can demonstrate the use of drought-tolerant varieties and other natural sources of irrigation such as swales and rain gardens. If the alternative irrigation fails to maintain the landscaping in a healthy state, the property owner shall be required to install traditional methods of irrigation sufficient to maintain the plants. All irrigation shall utilize sustainable practices to the greatest extent practicable.

F. **Fractional plant requirements.** Where this article requires landscaping for any distance along a property or other line, and an applicant’s property is a fraction of the given measurement, then the property’s measurement shall be rounded to the next highest number to comply with the minimum standards herein. Driveways and other paved points of access shall not be included in frontage calculations.

G. **Visual clearance.** Landscaping shall be installed such that, when mature, it does not obstruct or obscure traffic signs, fire hydrants, lighting, drainage patterns on the site or adjacent properties, or obstruct vision for safety of ingress and egress, and is subject to the clear vision corner requirements of this Ordinance, as regulated in Section 390-11 A (2).
H. Credit for Existing Vegetation. Existing healthy, well-formed trees, shrubs, and herbaceous perennials may be credited towards the requirements of this article provided the vegetation is identified on the landscape plan, protected from harm during construction, located in an appropriate place, and maintained in a healthy growing condition.

I. Tree Preservation. Existing healthy trees located within required setbacks and areas not required for development shall be preserved, and may be counted toward the number of trees required.

1. All trees to be preserved as indicated on the landscape plan shall be sheltered by a protective fence and shall remain upright and intact until all construction activity is complete. Construction activities, including driving of machinery or pedestrian movements, and the storage of equipment shall not occur within these protected areas. Tree protection barriers shall extend at a minimum to the drip line of trees which have been identified for preservation.

2. Should any tree designated for preservation fail to thrive as a result of pre-construction, construction, or post-construction activities, the owner shall calculate the diameter breast height (DBH) inches of the damaged tree and replace with tree(s) equivalent in caliper inches to the total DBH inches lost.

J. Tree Removal and Replacement. All reasonable attempts to conserve established, high-quality canopy trees shall be made. Trees specified for removal measuring twelve (12) diameter breast height (DBH) inches or more shall be subject to the following tree replacement standards.

1. Trees must be replaced in caliper inches at a rate of 50% of the total DBH removed. Replacement deciduous trees shall be at least three (3) caliper inches and replacement evergreen trees shall be at least eight (8) feet in height.

2. Where the Village finds it not reasonable or desirable to relocate or replace trees on site, the Village may direct the applicant to pay into the established Village Tree Fund an amount of money equal to the value of replacement trees, including installation, that would otherwise be required. The cost per three (3) inch caliper deciduous tree and eight (8) foot tall evergreen tree will be set annually by the Village based on current market conditions.

3. Exceptions to the replacement of trees measuring twelve (12) diameter breast height (DBH) inches or more shall be limited to the following:
   a. When no feasible and prudent alternative location can be had without causing undue hardship;
   b. When the tree is dead, diseased, injured or is a danger to existing structures, utility service, or interferes with safe vision clearances;
   c. Or if the tree is listed in the prohibited varieties table at the end of this article.

K. Maintenance and replacement of plant material. Landscaping shall be installed and maintained in a healthy, neat, and orderly appearance, free from refuse, debris, and weeds. Plant materials, including lawn, shall be maintained in a substantially weed free, healthy growing condition, neat and orderly in appearance in accordance with the approved Site Plan and detailed planting plan. Plants shall be controlled by pruning, trimming, or other
suitable methods so that they do not interfere with public utilities, restrict pedestrian or vehicular access, or constitute a traffic hazard. All unhealthy and dead plant material shall be replaced within one (1) year or in the next appropriate planting period, whichever comes first. A description of the proposed maintenance program shall be submitted with the detailed planting plan, including a statement that all diseased, damaged, or dead materials will be replaced in accord with the Ordinance.

L. Revised site plan. No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a revised site plan, in accordance with Article XVII.

M. Performance guarantee. The Zoning Administrator or Planning Commission may require a performance guarantee per Section 390-153 of this Ordinance to ensure proper installation and maintenance of all required landscaping.

N. The Planning Commission and Village Council may lessen the requirements of this section if site conditions make the strict application of these regulations unreasonable, assuming the applicant could provide for sufficient buffering between dissimilar uses and between expanses of parking and rights-of-way or if existing landscaping meets the intent of this article. Additional requirements on landscaping may be imposed if such modification would further the intent of this article.

O. The Planning Commission and Village Council may retain the services of a landscape architect or other similarly qualified professional to review a landscape plan to ensure compliance with this article.

Section 390-93. Required landscaping.

A. Landscaping in the MFR district.
   1. When a multiple-family dwelling abuts a one-family or two-family dwelling, a greenbelt or a screen shall be required along the side and rear property lines. The greenbelt area may be located within a required yard area.
   2. When a multiple-family dwelling abuts any use that is not a one-family or two-family dwelling, a greenbelt shall be required along the side and rear property lines. The greenbelt area may be located in a required yard area.
   3. The Planning Commission may require a taller screen based on site conditions.

B. Landscaping in nonresidential districts.
   1. When a nonresidential district abuts a property used for residential purposes, a greenbelt or a screen shall be required along the side and rear property lines. The greenbelt area may be located within a required yard area.
   2. The Planning Commission or Village Council may require installation of wrought iron or material that gives the appearance of wrought iron, fence with brick pier accents, as seen in typical Village developments, or a solid brick wall or hedge, twenty-four (24) inches in height, along street frontages for new development or substantially redeveloped properties. This shall also include a five (5)-foot-wide landscaped area with one (1) tree for every twenty-five (25) feet of length and one (1) bush for every five (5) feet of length. If the property is in the CBD or C districts, or where parking, loading, or
storage has been permitted by the Planning Commission in the front yard, these standards are required.

3. The Planning Commission may require a taller screen based on site conditions.

C. Parking areas. In addition to the site landscaping required in A and B above, any off-street parking area containing ten (10) or more parking spaces shall be landscaped according to the following requirements:

1. All required interior landscaped areas shall be protected by a barrier (i.e. a raised standard or rolled concrete curb), except where landscape islands in parking lots are being utilized as part of a stormwater detention or conveyance system.

2. In the case of a shared parking lot, screening and greenbelts shall not be required along the common property line.

3. The interior portion of the parking lot shall contain landscaped areas consisting of one square foot of landscaped area for every twelve and one-half (12.5) square feet of pavement, or fraction thereof, and one (1) deciduous tree for every two hundred (200) square feet, or portion thereof, of landscaped area provided.

4. Each landscaped area shall be a minimum of two hundred (200) square feet, with a minimum width of ten (10) feet, and shall include one (1) deciduous tree. In addition to the tree, each landscaped area shall be covered with living vegetative materials such as shrubs, grasses, and flowers, and may include no more than twenty (20) percent exposed surface area of natural mulch materials.

5. At least fifty (50) percent of the deciduous trees within the landscape areas shall be canopy trees, able of achieving a mature canopy diameter of at least twenty-five (25) feet.

6. The landscaped areas shall be dispersed throughout the parking lot in order to break up and soften large expanses of impervious surface and to define access and circulation patterns.

7. The Planning Commission may permit the required landscape areas to be combined into larger areas if they find that the resulting landscape area is of a higher quality and meets the intent of this article to visually enhance the parking lot.

8. Sizes of plant materials at installation shall comply with the minimum landscape material standards in section 390-95.

D. Storage and dumpsters. Exposed storage areas, trash receptacles and dumpsters, machinery installations, service areas, loading docks, utility buildings and utility structures such as electrical transformers, air conditioners, and similar features shall be screened from view from adjoining streets and properties by a screen of sufficient height to obscure the view of the equipment. Dumpster enclosures shall comply with the following requirements.

1. Dumpster enclosures shall be sturdy and constructed of quality, long-lasting masonry materials, or other acceptable durable materials (i.e. split face block or CMU) that are generally compatible in character and appearance to the principal structure. Cinder block, conventional concrete block, wire, or cyclone fencing materials are prohibited.

2. The enclosure shall be four (4) sided and placed on a concrete pad.
3. The enclosure shall be four (4) sided with lockable opaque gates which complement the screen materials. The Zoning Administrator or Planning Commission may permit the enclosure to be three (3) sided where site dimensions make a four (4) sided enclosure impractical and where the three (3) sided enclosure will effectively screen the dumpster from view from the adjoining right-of-way.

4. Walls of the enclosure shall be six (6) feet in height.

5. When a dumpster is added to any developed site for regular use, such dumpster shall be enclosed pursuant to this section.

**Section 390-94. Screening and greenbelts.**

A. Where screening is required, the screen shall consist of one of the following (Figure 14.1):

1. A solid uniform wall or fence having a height of at least four (4) feet and sufficiently dense to obscure vision through it. In no case shall wire or cyclone fencing materials be permitted. High-quality, low-maintenance materials such as brick and vinyl are strongly recommended. Wood fence may be permitted if it is properly treated as often as necessary to maintain the look of new wood.

2. Evergreen landscape material having a height of at least six (6) feet and sufficiently dense to obscure vision through it.

3. A three (3)-foot-tall vegetative berm designed with a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical, with a minimum of a two (2)-foot level area at the top of the berm and slopes stabilized plant materials. The berm may be used in conjunction with a wall, fence, or plantings to achieve the total six (6) feet in height of screening.

![Figure 14.1 Screening Options](image-url)
B. When a greenbelt is required, it shall comply with the following landscape requirements (Figure 14.2):

1. The greenbelt shall be a landscaped strip at least 10 feet in width.
2. The greenbelt shall be planted with living plant materials including all of the following:
   a. Deciduous or evergreen trees not less than twelve (12) feet in height. One tree is required for every twenty-five (25) feet of greenbelt length; and
   b. At least one (1) row of dense shrubs not less than five (5) feet in height and spaced not more than five (5) feet apart.
3. No parking, loading, or accessory uses are permitted in the greenbelt.

C. The following chart defines site landscaping for front, side and rear yards for each zoning district, in addition to other landscaping standards contained in this Ordinance.
## Screening and Greenbelt Required Landscaping

<table>
<thead>
<tr>
<th>Zoning District or Use</th>
<th>Adjacent to</th>
<th>Required Landscape Elements</th>
<th>Location</th>
<th>Additional Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>All residential zones and uses</td>
<td>Greenbelt(^4) and screen(^2)</td>
<td>Along the side and rear property lines with the screen located on the inner edge of the greenbelt</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>All other zoning districts except Industrial</td>
<td>Greenbelt(^4)</td>
<td>Along the side and rear property lines</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>Industrial Zone</td>
<td>Greenbelt(^4)</td>
<td>Along the side and rear property lines</td>
<td></td>
</tr>
<tr>
<td>Multiple-Family Dwelling uses in MFR</td>
<td>SFR-A, SFR-B and one or two-family uses</td>
<td>Greenbelt(^4) or screen(^2)</td>
<td>Along the side and rear property lines</td>
<td></td>
</tr>
<tr>
<td>Multiple-Family Dwelling uses in MFR</td>
<td>All other zoning districts</td>
<td>Greenbelt(^4)</td>
<td>Along the side and rear property lines</td>
<td></td>
</tr>
<tr>
<td>C, CBD</td>
<td>All zoning districts</td>
<td>Greenbelt(^4) or screen(^2)</td>
<td>Along the side and rear property lines</td>
<td></td>
</tr>
<tr>
<td>C, CBD</td>
<td>Public street or private roadway</td>
<td>Decorative brick and wrought iron fence or solid hedge(^1) and a minimum five-foot wide landscaped area(^3)</td>
<td>Along property lines of all street frontages</td>
<td>Required where parking, loading or storage has been permitted by the Planning Commission</td>
</tr>
</tbody>
</table>

Notes:

1. To be determined by the Planning Commission as a condition of site plan approval.
2. The Planning Commission may require a taller screen based on site conditions.
3. The landscaped area shall include one tree for every 25 feet and one bush for every five feet of length.
4. No parking, loading or accessory uses are permitted in the greenbelt.
Section 390-95. Minimum landscape material standards.

A. All plant material shall be hardy to Ottawa County, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.

B. Diversity. The overall landscape plan shall not contain more than twenty-five (25) percent of any one species.

C. Native Vegetation. At least seventy (70) percent of new plantings shall be species native to West Michigan.

D. Deciduous Canopy trees shall have a minimum caliper of two and one-half (2 ½) inches at time of planting, measured at four (4) feet from grade.

E. Deciduous ornamental trees shall have a minimum caliper of two (2) inches at time of planting, measured at four (4) feet from grade.

F. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen trees may be planted in staggered rows to provide space for spreading and growth.

G. Shrubs shall be at least thirty (30) inches in height at time of planting with a minimum spread of twenty-four (24) inches.

H. Spreading shrubs shall have a minimum height of twenty-four (24) inches at time of planting with a minimum width of thirty (30) inches.

I. Ornamental grasses and perennials shall be a minimum pot size of two gallons when planted.

J. The following are suggested native plant species, and the use of native species is encouraged.

### Suggested Native Plant Species

<table>
<thead>
<tr>
<th>Plant Type</th>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canopy Trees</td>
<td>Red Oak</td>
<td><em>Quercus rubra</em></td>
</tr>
<tr>
<td></td>
<td>Hackberry</td>
<td><em>Celtis occidentalis</em></td>
</tr>
<tr>
<td></td>
<td>American Hornbeam</td>
<td><em>Carpinus caroliniana</em></td>
</tr>
<tr>
<td></td>
<td>Black Oak</td>
<td><em>Quercus velutina</em></td>
</tr>
<tr>
<td></td>
<td>Ironwood</td>
<td><em>Ostrya virginiana</em></td>
</tr>
<tr>
<td></td>
<td>Kentucky Coffee Tree</td>
<td><em>Gymnocladus dioicus</em></td>
</tr>
<tr>
<td></td>
<td>(Fruitless Varieties)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Red Maple</td>
<td><em>Acer rubrum</em></td>
</tr>
<tr>
<td></td>
<td>Sugar Maple</td>
<td><em>Acer saccharum</em></td>
</tr>
<tr>
<td>Ornamental Trees</td>
<td></td>
<td>Evergreen Trees</td>
</tr>
<tr>
<td>----------------------------------</td>
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<td>----------------------------------</td>
</tr>
<tr>
<td>White Oak</td>
<td>Quercus alba</td>
<td>Sycamore</td>
</tr>
<tr>
<td>Thornless Honeylocust</td>
<td>Gleditsia triacanthos f. inermis</td>
<td>River Birch</td>
</tr>
<tr>
<td>Osage orange (Fruitless Varities)</td>
<td>Maclura pomifera</td>
<td>Black Gum</td>
</tr>
<tr>
<td>American Hazelnut</td>
<td>Corylus americana</td>
<td>Cockspur hawthorn</td>
</tr>
<tr>
<td>Eastern Red Bud</td>
<td>Cercis canadensis</td>
<td>Pagoda Dogwood (Tree Form)</td>
</tr>
<tr>
<td>Fringe Tree</td>
<td>Chionanthus virginicus</td>
<td>Allegheny Serviceberry</td>
</tr>
<tr>
<td>Allegheny Serviceberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastern White Pine</td>
<td>Pinus strobus</td>
<td>Red Cedar</td>
</tr>
<tr>
<td>White Spruce</td>
<td>Picea glauca</td>
<td>Balsam Fir</td>
</tr>
<tr>
<td>Balsam Fir</td>
<td></td>
<td>Canadian Hemlock</td>
</tr>
<tr>
<td>Shrubs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Plant Name</td>
<td>Scientific Name</td>
<td></td>
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<tr>
<td>-------------------------</td>
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<td></td>
</tr>
<tr>
<td>Buttonbush</td>
<td><em>Cephalanthus occidentalis</em></td>
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<tr>
<td>Spice Bush</td>
<td><em>Lindera benzoin</em></td>
<td></td>
</tr>
<tr>
<td>Shrubby cinquefoil</td>
<td><em>Potentilla fruticosa</em></td>
<td></td>
</tr>
<tr>
<td>Creeping Juniper</td>
<td><em>Juniperus horizontalis</em></td>
<td></td>
</tr>
<tr>
<td>American Arborvitae</td>
<td><em>Thuja occidentalis</em></td>
<td></td>
</tr>
<tr>
<td>Palm Sedge</td>
<td><em>Carex muskingumensis</em></td>
<td></td>
</tr>
<tr>
<td>Little bluestem</td>
<td><em>Schizachyrium scoparium</em></td>
<td></td>
</tr>
<tr>
<td>Switchgrass</td>
<td><em>Panicum virgatum</em></td>
<td></td>
</tr>
<tr>
<td>Tufted Hairgrass</td>
<td><em>Deschampsia cespitosa</em></td>
<td></td>
</tr>
<tr>
<td>Sundial Lupine</td>
<td><em>Lupinus perennis</em></td>
<td></td>
</tr>
<tr>
<td>Bee Balm</td>
<td><em>Monarda fistulosa</em></td>
<td></td>
</tr>
<tr>
<td>Black-Eyed Susan</td>
<td><em>Rudbeckia hirta</em></td>
<td></td>
</tr>
<tr>
<td>Sweet Joe Pye Weed</td>
<td><em>Eupatorium purpureum</em></td>
<td></td>
</tr>
<tr>
<td>Cardinal Flower</td>
<td><em>Lobelia cardinalis</em></td>
<td></td>
</tr>
<tr>
<td>Butterfly Weed</td>
<td><em>Asclepias tuberosa</em></td>
<td></td>
</tr>
<tr>
<td>New England Aster</td>
<td><em>Aster novae-angliae</em></td>
<td></td>
</tr>
<tr>
<td>Blue Stemmed Goldenrod</td>
<td><em>Solidago caesia</em></td>
<td></td>
</tr>
<tr>
<td>Columbine</td>
<td><em>Aquilegia canadensis</em></td>
<td></td>
</tr>
<tr>
<td>Wild Blue Phlox</td>
<td><em>Phlox divaricata</em></td>
<td></td>
</tr>
</tbody>
</table>

**K.** The following trees are not permitted in an effort to protect the health, safety, and welfare of the Village. Some of the plant species listed below are prone to splitting; having wood that is brittle and breaks easily; roots which clog drains and sewers; and or may be unusually susceptible to disease or insect pests. Existing trees of these species may not be counted toward the required number of trees for the development and need not be preserved on the development site. The plants included in this list denoted with an asterisk, have native varieties which are species permitted in naturalized locations where limited contact with people, vehicles, and structures can be obtained.
# Prohibited Trees

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Box Elder</td>
<td><em>Acer Negundo</em></td>
</tr>
<tr>
<td>Tree of Heaven</td>
<td><em>Ailanthus</em></td>
</tr>
<tr>
<td>Ginkgo (Female)</td>
<td><em>Ginkgo Biloba</em></td>
</tr>
<tr>
<td>Ash</td>
<td><em>Fraxinus</em></td>
</tr>
<tr>
<td>Honey Locust (with thorns)</td>
<td><em>Gleditsia Triacanthos (with thorns)</em></td>
</tr>
<tr>
<td>Eastern Cottonwood</td>
<td><em>Populus Deltoids</em></td>
</tr>
<tr>
<td>Mulberry</td>
<td><em>Morus species (Morus rubra)</em></td>
</tr>
<tr>
<td>Black Locust</td>
<td><em>Robinia species</em></td>
</tr>
<tr>
<td>Catalpa</td>
<td><em>Catalpa species</em></td>
</tr>
<tr>
<td>Chinese Elm</td>
<td><em>Ulmus Parvifola</em></td>
</tr>
<tr>
<td>Silver Maple</td>
<td><em>Acer Saccharinum</em></td>
</tr>
<tr>
<td>Willow Tree</td>
<td><em>Salix tree species</em></td>
</tr>
<tr>
<td>Bradford Pear</td>
<td><em>Pyrus calleryana 'Bradford'</em></td>
</tr>
<tr>
<td>Norway Maple</td>
<td><em>Acer platanoides</em></td>
</tr>
</tbody>
</table>
ARTICLE XV SIGNS

Section 390-96. Intent.

Intent. This article is intended to regulate and limit the construction, erection, reconstruction, placement, size, and height of signs so as to protect public health and safety and promote the public welfare. This article is further intended to protect all zoning districts from visual chaos and clutter, eliminate distractions hazardous to motorists, protect appropriately identified uses from excessive signage, provide ability for the public to identify premises and establishments, encourage creativity of sign design, and enhance the aesthetics of the community.

Section 390-97. Reserved.

Section 390-98. General standards for all signs.

All signs shall meet the following standards:

A. A sign not expressly permitted by this article is prohibited. A sign shall pertain to the use or lot on which it is located, with the exception of temporary signs as authorized in Section 390-100 G, below.

B. All Signs shall conform to all applicable codes and ordinances of the Village and shall be approved by the Zoning Administrator. A Sign must comply with this section unless exempted under Section 390-100.

C. Sign area.
   1. The area of a sign shall be measured within a single, continuous rectangle which encloses the extreme limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed, unless the supports or uprights contain writing, representations, emblems or any figure of similar character in which case the area of such shall be computed within the total sign area (Figure 15.1).
2. Where a sign has two (2) or more faces, the area of all faces shall be included in
determining the area of the sign, except that, where two (2) such faces are placed back
to back so that both faces cannot be viewed from any one (1) point at the same time,
and when such sign faces are at no point more than two (2) feet from one another, the
sign area shall be computed by the measurements of one (1) of the faces. In the case of
a sphere, the total surface area of the sphere shall be divided by two for purposes of
determining the sign area.

D. Height. Sign height shall be measured as the vertical dimension from the median natural
grade to the highest point of the highest attached component of the sign. A sign shall not
extend above the roof line of a building to which it is attached.

E. Setbacks. All signs shall be set back a minimum of one-half (1/2) of the front yard setback,
except for sandwich board signs. However, no sign shall be placed in the clear vision area
as shown in Section 390-11 A (2) nor in a similar clear vision area at the intersection of a
driveway or private road or access with a private road or street.

F. Illumination. When illumination is permitted, external or internal illumination shall comply with
the following requirements:

1. Illumination shall not be flashing, oscillating, blinking, intermittent, or on-and-off type of
lighting. Time and temperature numerals are exempt from this provision.

2. Electronic message boards are permitted subject to Section 390-105.

3. Illumination shall be arranged so that light is deflected away from adjacent properties so
that no direct sources of light shall be visible to any motorist or pedestrian located in a
public right-of-way or street easement or from any adjacent property.
4. External illumination. Any external lighting of signs shall be downward facing, shielded, or otherwise directed to illuminate only the sign face.

5. Internal illumination. Sign faces shall have an opaque background so that individual lamps are muted and cannot be distinguished behind the sign face. The sign face may have internally lit lettering, face lit channel lettering, or backlit lettering.

G. Where a proposed sign appears to meet the definition of more than one sign, the most restrictive requirements and limitations of the defined sign types shall apply.

H. Maintenance. Signs shall be maintained in a safe condition with proper bracing, anchorage, and foundation and be subject to inspection by the Zoning Administrator or other designated representative. Signs shall at all times be in a state of good repair, with all braces, bolts, clips, supporting frame, and fastenings free from deterioration, insect infestation, rot, rust or loosening. All signs shall be kept neatly finished, including all metal parts and supports that are not galvanized or made of rust-resistant metals.

Section 390-99. Sign permit required.

Unless listed as an exempt sign in Section 390-100, a permit is required for all new signs or sign replacements.

A. Application for a permit shall be made by submitting the following information to the Zoning Administrator:

1. A completed application on a form provided by the Village;

2. Payment of an application fee, which shall be nonrefundable, and which shall be established from time to time by resolution of the Village Council; and

3. A sketch plan with signs drawn to scale, showing the proposed location, type of sign, and specifications for the proposed sign, in detail sufficient to determine its compliance with the provisions of this article.

4. Sufficient other details to demonstrate that the proposed sign, including structural and electrical components, shall comply with the provisions of this Ordinance.

5. The written consent of the owner of record of the property on which the sign is proposed to be erected.

B. No sign requiring a sign permit shall be erected or installed until an application is approved.

C. If the proposed sign conforms with the provisions of this article, a permit shall be issued.

D. The permit review may be eliminated if the required information is provided to the Planning Commission as part of a site plan review, in which case the Planning Commission shall recommend or grant approval, approval with conditions, or denial of the request as the case may be.

E. Expiration. Approval of a sign permit shall expire one (1) year from its effective date. If not completed within one (1) year, unless an extension not to exceed one (1) year has been granted by the Zoning Administrator, the permit shall expire. The Zoning Administrator may deny extension of time for the approved sign even if no substantial changes in circumstances are found.
Section 390-100. Exempt signs.

The following signs are exempt from the permit requirements of this article, but they shall conform to any other applicable standards of this Ordinance.

A. Any public notice, traffic control, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

B. Government signs.

C. One (1) sign per street address not exceeding two (2) square feet in area and bearing only property numbers, post box numbers or names of occupants of residential premises and bearing no advertising message.

D. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.

E. Holiday lights and decorations with no commercial message.

F. Works of art that do not contain a commercial message.

G. Flags and insignia of any nation, state, local government, community organization, and educational institution, except when displayed in connection with commercial promotion.

H. Temporary banners covering a permitted and approved sign, provided that the banner does not exceed the size of the permitted and approved sign.

I. Temporary signs, provided the following standards are met:
   1. Yard signs, general.
      a. A lot or parcel shall be limited to one (1) sign per street frontage.
      b. Signs shall not exceed seven (7) square feet in area and five and one-half (5 ½) feet in height above the natural grade.
      c. Extra signs shall be permitted during a time period of thirty (30) days prior to an election date and removed within ten (10) days after the election date.
      d. Signs shall be set back a minimum of five (5) feet from any property line.
      e. Signs shall be placed only on private property, with the permission of the property owner, and not in any right-of-way.
      f. Signs shall not be illuminated.
   2. Yard signs, construction sites.
      a. A lot or parcel shall be limited to one (1) sign per street frontage.
      b. Signs shall not exceed thirty-two (32) square feet in area and five and one-half (5 ½) feet in height above the natural grade.
      c. Signs shall be set back from any property line a minimum of half (½) the required front yard setback for the property or ten (10) feet, whichever is greater.
      d. Signs shall not be erected on a construction site until a building permit has been issued and construction has begun. The sign shall be removed immediately upon completion of work or issuance of any occupancy permit, whichever occurs first.
e. Signs shall not be illuminated.

3. **Yard signs, property for sale, lease, or rent.**
   a. One (1) sign shall be allowed per street address on a property that is offered for sale, lease, or rent, with or without a building.
   b. The sign shall not exceed six (6) square feet for any single-family or two-family dwelling use or thirty-two (32) square feet for any other use and shall not exceed five and one-half (5 ½) feet in height above the natural grade.
   c. The sign shall only be displayed when the property is being offered for sale, lease, or rent.
   d. The sign shall not be illuminated.
   e. The sign shall be set back from any property line a minimum of five (5) feet.
   f. The sign shall be removed within ten (10) days after completion of the sale or lease or rent.
   g. For properties with shoreline frontage, an additional sign of the same size and height as otherwise permitted may be placed in the yard abutting the shoreline.

4. **Yard signs, garage sale.**
   a. Signs shall be limited to one (1) on-premises location and three (3) off-premises locations during the event of a garage sale.
   b. Signs shall be located on private property.
   c. Signs shall be limited to four (4) square feet in area per side. The sign may be two-sided.
   d. Signs shall be affixed to the ground and be freestanding.
   e. Signs shall be displayed for no longer than three (3) days prior to the garage sale and shall be removed promptly upon the end of the garage sale.

5. **Off Premise Signs.** One (1) off-premises sign is permitted when all of the following conditions are met:
   a. It shall be located in the CBD or C zoning districts.
   b. It shall be associated with an approved site plan or PUD.
   c. It shall be removed when 75% of the project is sold, rented, leased or occupied.
   d. It shall be limited to twenty-four (24) square feet in area per side.
   e. It shall be located at least ten (10) feet from any public right-of-way or private road easement/driveway.
   f. It shall be located in private property with written permission granted from the property owner.
   g. It shall be located outside of the clear vision area as defined by this Ordinance.
   h. It may only be illuminated between the hours of 7:00 a.m. and 9:00 p.m.
i. It shall be made of wood, metal, or solid plastic and kept in good condition.

j. It shall not be located more than five-hundred (500) feet from the subject property/development being advertised, unless otherwise approved by the Planning Commission.

6. Flag signs in nonresidential districts.
   a. One (1) flag sign shall be permitted per nonresidential establishment.
   b. The flag sign shall be no more than twelve (12) square feet in size.
   c. The flag sign shall be displayed only during the hours an establishment is open to the public. The entire flag, including the structure, shall be removed during the hours that the establishment is closed.
   d. The flag sign shall be permitted within any yard or attached to the wall of the building. If attached to the wall of a building, the flag sign must meet the following requirements:
      1) Be affixed to the wall at least six (6) feet above the adjacent grade; any portion of the flagpole over the public right-of-way shall maintain a minimum clear space of eight (8) feet from the bottom of the flagpole to the ground.
      2) The top of the flagpole shall be not more than fifteen (15) feet above the adjacent grade.
      3) The flagpole shall not project more than three (3) feet from the face of the wall to which it is attached.
   e. The flag and its support shall not impede pedestrian movement, and shall not present a hazard to people or property.
   f. For establishments in the Central Business District, whose property abuts a public sidewalk with flag stands embedded in the sidewalk, the flag may be displayed in the flag stand in the sidewalk, instead of on the building, under the following conditions:
      1) No more than one (1) flag is permitted to be displayed at any time.
      2) The flag may only be located on the sidewalk when the Village is not using the flag stands for the American Flag or other community use.
      3) The flag, including the supporting structure, must be removed during the hours that the establishment is closed, and whenever requested to remove the flag by a Village official or designated representative.
      4) The use of the sidewalk flag stand by any establishment fronting on Savidge Street is subject to approval by the Michigan Department of Transportation.
      5) All flag signs shall be maintained in good condition at all times. Frayed or damaged flags shall be replaced or removed upon the first signs of damage.

7. Temporary signs for special events sponsored by governmental agencies or nonprofit organizations.
   a. No more than five (5) temporary signs shall be displayed for each special event. Such signs may be located either on or off the lot on which the special event is held.
b. The display of such signs shall be limited to the twenty-one (21) days immediately preceding the special event.

c. Signs shall have a maximum size of thirty-two (32) square feet in area and a maximum height of five (5) feet.

d. Signs shall be removed within forty-eight (48) hours of the conclusion of the special event.

J. Village wayfinding signs consistent with accepted graphic identity and as approved by the Village manager on public or private property.

K. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

L. Signs not exceeding two (2) square feet in area per sign on the interior portions of any lot which direct and guide traffic and parking on private property, but bearing no advertising message.

Section 390-101. Prohibited signs.

The following signs shall be prohibited in any zoning district:

A. Signs which are obsolete, that do not relate to existing establishment or products for sale or available on the site.

B. Signs which are illegal under state laws or regulations or applicable local ordinances or regulations, and which are not consistent with the standards in this ordinance.

C. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.

D. Signs not securely affixed to a supporting structure.

E. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, or which may obstruct a motorist's vision.

F. Searchlights, air-filled balloons, signs animated by forced air, and lighter-than-air signs are prohibited, except as otherwise permitted in this article.

G. Except for projecting signs as permitted in this article, no sign shall be placed within or above any public right-of-way or upon any utility pole except as otherwise permitted in accordance with the state or local regulations. Any projecting sign that is to be placed over a Village right-of-way requires a license agreement with the Village or MDOT, as applicable, prior to installation.

H. A sign located in a public right-of-way, or in a private road easement is prohibited, unless it is part of the traffic control information for that private road or street such as a public notice, traffic control, or warning required by a valid and applicable Federal, State, or local law, regulation, or ordinance.

I. Truck or trailer mounted signs. No sign or other advertising structure shall be painted on or be attached to a motor vehicle used primarily for the display of such sign, including, but not limited to a billboard truck. This section shall not prohibit the identification of a business or
its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

J. **Roof signs.** Roof signs shall be prohibited in all zoning districts except as authorized by special use permit in the C and CBD zoning districts only, following a public hearing held in accordance with the procedures for approval of a special land use contained in Article XVIII.

**Section 390-102. Permitted signs.**

In addition to the above standards, the following signs are permitted in the various zoning districts as follows:

<table>
<thead>
<tr>
<th>Residential Districts: SFR &amp; MDR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type</strong></td>
</tr>
<tr>
<td>Monument (nonresidential use)</td>
</tr>
<tr>
<td>Wall (nonresidential use)</td>
</tr>
<tr>
<td>Projecting (nonresidential use)</td>
</tr>
<tr>
<td>Portable (nonresidential use)</td>
</tr>
</tbody>
</table>

¹ **If a monument sign advertises two or more establishments located on the same lot, the maximum sign area may be increased to 50 square feet.**
### Nonresidential Districts: CBD & C

<table>
<thead>
<tr>
<th>Type</th>
<th>Max. Number</th>
<th>Max. Area</th>
<th>Max. Height</th>
<th>Minimum Setback</th>
<th>Illumination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monument AND AND</td>
<td>1 per parcel</td>
<td>32 square feet¹</td>
<td>5 ½ feet</td>
<td>2 feet</td>
<td>Permitted</td>
</tr>
<tr>
<td>Wall AND</td>
<td>1 per wall facing a street or parking lot</td>
<td>All signs shall not exceed 15% of the front face of the building or 100 feet, whichever is less.</td>
<td>N/A</td>
<td>N/A</td>
<td>Permitted</td>
</tr>
<tr>
<td>Projecting AND AND</td>
<td>1 per street frontage</td>
<td>10 square feet</td>
<td>N/A</td>
<td>N/A</td>
<td>Permitted</td>
</tr>
<tr>
<td>Portable or portable changeable message OR</td>
<td>1 per parcel</td>
<td>32 square feet</td>
<td>6 feet</td>
<td>5 feet from front property lines, 15 feet from side and rear property lines</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Sandwich board OR</td>
<td>1 per customer entrance</td>
<td>12 square feet for each sign face</td>
<td>4 ½ feet</td>
<td>N/A</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Banner OR</td>
<td>3 per parcel</td>
<td>50 square feet</td>
<td>N/A</td>
<td>N/A</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Flag OR</td>
<td>1 per establishment</td>
<td>12 square feet</td>
<td>N/A</td>
<td>N/A</td>
<td>Not permitted</td>
</tr>
<tr>
<td>Pennant</td>
<td>String of pennants shall not exceed 2 times the width of the building facade</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>Not permitted</td>
</tr>
</tbody>
</table>

¹ If a monument sign advertises two or more establishments located on the same lot, the maximum sign area may be increased to 50 square feet.

Section 390-103-104. Reserved.

Section 390-105. Electronic message boards.

A. **Purpose and Intent.** The Village of Spring Lake recognizes the importance of signage to its local business community, and further recognizes that permitting electronic message boards can benefit Village’s business community and enhance civic life. However, the Village finds that if left unregulated, electronic message boards can threaten the public health, safety, and welfare due to the manner in which such signs are located and operated. The Village also finds that due to its many unique viewsheds, residential density, and character of development that electronic message boards may be compatible with surrounding
properties in certain areas, but incompatible in others. Therefore, electronic message boards shall be subject to special land use review pursuant to Article XVIII of this zoning ordinance.

It is the intent of this Section to:

1. Balance the rights of businesses and institutions to convey their messages through electronic means with the right of the public to protected against unrestricted electronic signage;
2. Further the objectives of the Village Master Plan and streetscape design guidelines;
3. Protect the public health, safety, and welfare of the public;
4. Reduce traffic and pedestrian hazards;
5. Promote the aesthetic qualities of the Village; and
6. Promote economic development of the Village;

B. Special Land Use Required. Electronic message boards are permitted with special land use approval in the CBD or C districts only. Electronic message boards may also be permitted in a PUD, or with special land use approval on parcels containing churches, schools, civic uses, or municipal/government buildings or uses. In addition to the special land use standards of Section 390-134, the following regulations shall apply to all electronic message boards.

1. One electronic message board is permitted per parcel.
2. Electronic message boards are only permitted on monument or wall signs, subject to the following standards:
   a. For monument signs, up to 50% of the permitted area of the monument sign may consist of an electronic message board.
   b. For wall signs, any amount of the permitted area of the wall sign may consist of an electronic message board.
3. An off-premise sign shall not contain an electronic message board.
4. The intensity and contrast of light levels on the electronic message board shall remain constant throughout the sign face. An electronic message board shall use automatic day/night dimming software to reduce the illumination intensity of the sign at night. Light intensity shall not exceed 0.3 footcandles over ambient lighting conditions, or 250 Nits during the day and 125 Nits at night. **Light Intensity shall be measured according to the most recent applicable standards adopted by the International Sign Association (ISA), summarized below:**
   a. Measurements shall be obtained using an illuminance meter with the ability to provide a reading up to two decimal places, calibrated to read footcandles.
   b. Determine square footage of the electric message board by multiplying the height and width of the sign face.
   c. The distance at which the measurements is taken shall be determined using the following formula, where the area of sign face is measured in square feet:
\[ \sqrt{\text{area of sign face} \times 100} \]

c. The illuminance meter shall be positioned a distance from the sign face calculated above. An opaque, black sheet of material must be then positioned 7-10 feet from the sign face so it blocks all light from the electronic message board but still allows remaining ambient light to register on the illuminance meter.

d. The illuminance meter must be held at a height of approximately 5 feet (eye level) and aimed directly at the electronic message board (still blocked by the opaque sheet). Readings from the illuminance meter must be recorded to establish a baseline illumination level. Once the baseline level is established, add 0.3 footcandles to the baseline level to determine the maximum brightness for the electronic message board.

e. To determine the brightness of the electronic message board, the opaque sheet must be removed, and the illuminance meter must be observed for 3-5 minutes to determine if the maximum brightness level is exceeded.

5. A photometric plan shall be submitted to the Planning Commission with along with the application for special land use.

6. The electronic message board shall not have a scrolling, flashing, blinking, spinning, exploding, or any other similar animated effect, and shall generally function and have the appearance of a static sign.

7. In granting a special land use permit for an electronic message board, the planning commission may place conditions on such approval taking into consideration the specific circumstances of the request and other applicable special land use factors.

8. It shall be the responsibility of the owner on whose property the sign is located to present to the Zoning Administrator, within ten (10) days of installation, documentation that the brightness of the electronic message board is compliant with this Ordinance.

Section 390-106. Standards for certain signs.

Following are general standards for specific types of signs.

A. Wall signs.

1. Signs shall not extend farther than twelve (12) inches from the face of the wall to which it is attached.

2. Wall signs may be attached to any wall so long as no more than one wall sign shall be placed on any wall.

3. Signs shall not project above the roof line or building façade.

B. Temporary signs, unless exempted in Section 390-100.

1. Banner.

   a. The annual banner and pennant permit is valid from January 1 through December 31 of the year in which it is issued. A new banner and pennant permit must be obtained prior to the end of the calendar year in order for an establishment to continue to display a banner(s).
b. Banners may be changed periodically while the permit is valid without obtaining additional permits.

c. Banners shall be displayed for no more than one hundred and twenty (120) days in any one (1) calendar year.

d. Attachment of a banner to utility poles and light poles shall be prohibited.

e. Banners shall not conceal architectural details or windows.

f. Banners shall be secured at every corner.

2. Pennants.

a. Pennants shall be displayed for periods of no more than thirty (30) days. After thirty (30) days, the pennants shall be removed from display. The pennants may be displayed for no more than three (3) thirty (30)-day periods in any one (1) calendar year. There shall be an interval of at least thirty (30) days between display periods.

b. Pennants shall be maintained in good, clean condition at all times. Frayed or damaged pennants shall be replaced or removed upon the first signs of damage.

3. Portable signs and portable changeable message.

a. One portable changeable message sign is permitted per establishment, regardless of the number of parcels occupied by the establishment.

b. The portable changeable message sign shall be displayed for a period of no more than thirty (30) days. A portable changeable message sign is permitted for no more than three (3) thirty (30)-day display periods in any calendar year. There shall be an interval of at least fourteen (14) days between display periods.

c. A portable changeable message sign shall be located on the property of the applicable establishment.

4. Sandwich board signs.

a. Design.

1) Maximum sign face width shall be limited to thirty-six (36) inches measured from sign legs.

2) Maximum sign height shall be limited to four and one-half (4½) feet measured from the ground to the top of the sign.

3) Sign bases shall be weighted with a minimum ten (10)-pound ballast, colored solid black, to ensure sign stability in windy conditions.

4) The sign frame shall be constructed as specified by Village Council resolution.

b. Placement.

1) Signs must be truly portable and cannot be permanently affixed to any structure or sidewalk, and must be removed each day when the establishment is closed.

2) If signs are placed on sidewalks, the sidewalk must be wide enough to allow for at least five (5) feet of width for unrestricted pedestrian movement with sandwich board signs in place.
3) Signs shall be placed to consider public safety including: location and proximity of doorways; maximum distance between pedestrian obstacles; location of crosswalks; and other physical features of the location that affect sight distance, accessibility and safety.

4) Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk right-of-way, including newspaper boxes, outdoor tables/seating, trees and tree grates, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.

5) Signs shall be placed a minimum of ten (10) feet from a building corner or pedestrian crosswalk.

6) Signs shall be placed a minimum of ten (10) linear feet from the base of another sandwich board sign.

C. Projecting signs.
   1. A projecting sign shall not project more than three (3) feet from the building wall to which it is attached.
   2. Where a projecting sign, marquee sign, suspended sign, or similar element protrudes over any public or private sidewalk or walkway, a projecting sign shall have a minimum ground clearance of eight (8) feet from the bottommost point of the sign structure to the walkway.
   3. If any projecting sign or suspended sign is suspended over a public property, street, sidewalk, or alley, the owner of such sign shall keep in force a public liability insurance policy in the minimum amount of one million dollars ($1,000,000.00). In addition, when a sign is extending over a public right-of-way, an encroachment permit must be obtained, which will require showing the insurance coverage and will have to be renewed every three (3) years. The licensee shall at all times carry liability insurance in such amounts as are satisfactory to the village, and issued by companies acceptable to the village, licensed in the State of Michigan naming the village as an additional insured on any such policy. Licensee will file with the village certificates or policies evidencing such insurance coverage. The insurance policies or certificates shall provide that the village shall be given thirty (30) days written notice before a cancellation in coverage may occur.
   4. If at any time the insurance policy is canceled, the projecting sign or suspended sign shall be immediately removed. In the event the sign is not so removed, the Village of Spring Lake shall have the right to remove the sign and repair the facade at the expense of the property owner. If the property owner fails to promptly pay the expense, the amount may be added to the next annual tax bill issued for the property.

D. Vehicular signs.
   1. Signs shall only advertise the establishment, products, or services offered on the same premises.
   2. Signs shall be securely affixed to the interior or exterior of the vehicle.
   3. The vehicle shall be located in an off-street parking space.
   4. The vehicle shall be operable and registered.
5. Signs shall only be displayed between 7:00 a.m. and 9:00 p.m.

6. Signs shall be displayed for no more than three (3) thirty (30)-day periods in any one (1) calendar year.

Section 390-107. Special purpose signs.

Upon submittal of a site plan pursuant to Article XVII, the Planning Commission may consider approval of a special purpose sign which does not exceed the permitted sign area in the underlying zoning district, but such sign type is not contemplated in this section. In making its determination, the planning commission may consider:

A. The compatibility of the proposed sign in relationship to the type and location of signage on adjacent parcels;

B. The conformance of the proposed sign to the general standards for all signs; and

C. The durability of sign materials, and compatibility with the building for which the sign serves.

Section 390-108. Existing nonconforming signs.

A. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the standards of this section may be continued, except as hereinafter provided. No nonconforming sign shall:

1. Have any changes made in the words or symbols used or the message displayed on the sign, unless the sign is specifically designed for periodic change of message;

2. Be structurally altered so as to change the shape, size, type or design of the sign; or

3. Be reestablished or continued after the establishment, product, or service to which it applied has been discontinued for ninety (90) days or longer.

B. Signs lawfully erected prior to the adoption of this ordinance or applicable amendment thereto which do not meet the size limitations of this article may be changed to another nonconforming sign, provided that the sign replacing the original nonconforming sign is at least thirty-three (33) percent smaller in area than the original nonconforming sign.

C. No sign shall be required to be removed which was erected in compliance with this section if such sign becomes nonconforming due to a change occurring after the adoption of this ordinance or applicable amendment thereto in the location of a building, streets, or other signs, and which change is beyond the control of the owner of the premises on which the sign is located.

D. If the owner of the premises on which a sign is located changes the use of the building, or changes the location of any property line or sign, so that any sign is rendered nonconforming, such sign must be removed or made to conform to this article.
ARTICLE XVI, PARKING REGULATIONS

Section 390-109. Scope.

A. In order to reduce or prevent traffic congestion and shortage of parking facilities in the Village, off-street parking and loading facilities shall be provided in accordance with this article, in proportion to the need for such facilities created by various uses of land, buildings, and structures.

B. Off-street parking and loading areas are to be designed, maintained, and operated in a manner that will ensure their usefulness, protect the public safety, and where appropriate, protect surrounding uses from their impact.

Section 390-110. Applicability.

In all zoning districts, after the effective date of this Chapter, off-street parking facilities shall be provided for any new building, structure, or use, for any addition or enlargement to an existing building, structure, or use, or for any change of use to an existing structure, according to the standards in this article. For additions or enlargements to an existing building, structure, or use, or change in use of an existing building or structure, additional parking shall be required only for such addition or enlargement, or incremental increase in required parking due to such change in use, and not for the existing building or structure or previous use.

Section 390-111-112. Reserved.

Section 390-113. Procedure for approval.

A. No person shall construct a parking lot or cause any land to be used for a parking lot, with the exception of parking facilities serving a single-family or two family dwelling, unless the construction of such lot has been approved by the Planning Commission pursuant to Article XVII.

B. In addition to applicable site plan requirements, the site plan shall also include parking stall dimensions, driveway and aisle dimensions, type of curbing, and proposed surface and base materials to be used.

C. Construction of an approved parking lot shall be carried out in strict conformance with the plans submitted.

D. The diversity of land uses within the Village keep it vibrant and active each day of the week. This has been accomplished, in part, because the Village has enabled residential buildings to be converted into non-residential uses, either as principal or accessory uses. The Village desires to preserve these buildings, and further desires to discourage the razing of buildings to construct off-street parking lots, as the Village has determined that there exists adequate parking within these areas. For these reasons, the expansion of an off-street parking lot for a non-residential use in the SFR or MDR district may only be permitted by the Planning Commission and is subject to the following requirements:

   1. The applicant shall provide a professionally prepared written parking study that justifies the need for the additional parking area. Such study shall also take into account all possibilities for shared or joint parking arrangements that would reduce,
minimize, or eliminate the need for additional parking. The Village may require changes to the site plan based on the results of the parking study.

2. The Planning Commission may require that any expanded parking area be surfaced with a porous or semi-porous pavement or similar material to reduce the adverse effects of adding impervious surfaces. However, this shall not be construed as allowing gravel, dirt, grass, or similar materials.

3. The Planning Commission may require additional landscaping, fencing, or screening for any expanded parking area to minimize any adverse impacts on surrounding properties.

Section 390-114. Location of parking.

A. All parking associated with any use shall be located in the same zoning district as that use. With the exception of the C and CBD Zoning Districts, off-street parking areas shall be located 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.

B. CBD Zoning District.

1. Within the CBD Zoning District, parking required by this article shall be located within 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.

2. Within the CBD Zoning District, the parking requirements of this article may be met by participation in a municipal or joint community parking lot designed to serve a larger area, provided plans for the community parking area have been approved by the Village Council and such parking facilities are located on the same side of State Highway M-104 (Savidge Street) as the proposed use to be served.

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. 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.

Section 390-115. General requirements.

A. Off-street parking facilities in existence on the effective date of this Chapter, and provided in connection with a building, structure, or use of land for which off-street parking is required by this article, shall not be reduced in number or dimensions to less than the minimum standards prescribed by this article, nor shall such facilities be used to satisfy the standards of this article for any other building, structure, or use of land, unless otherwise provided herein.

B. Before any building or structure or use is occupied, or enlarged or increased in capacity, parking shall be provided in accordance with the number of spaces required in Table 390-115.01. However, no parking lot shall exceed the minimum required number of parking spaces by ten percent (10) or more. This limitation may be modified by the Planning Commission if satisfactory evidence is provided by the applicant that demonstrates the need for additional parking spaces.

C. When calculations determining the number of required parking spaces result in a fractional space, the fraction shall be raised to the next whole number.

D. For any use not specifically listed in Table 390-115.01, off-street parking spaces shall be provided as required for the most similar use, as determined by the zoning administrator or Planning Commission. The planning commission or zoning administrator may reference industry standards to establish such requirements.

E. Handicapped spaces and loading spaces shall count toward the required number of spaces.

F. For nonresidential uses in the C and CBD zoning districts, on-street or 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 use proposed use.

G. Front yards.

1. Parking of vehicles in the front yard in the SFR Zoning District and for single-family dwelling and two-family dwelling uses in all zoning districts is restricted to a designated driveway, the width of which shall not exceed at any point one-third (1/3) of the lot width, or twenty (20) feet, whichever is greater. Off-street parking of vehicles shall not obstruct the sidewalk. Driveways shall be surfaced with concrete, asphalt, or other similar dustless material acceptable to the Zoning Administrator.

2. With respect to multiple-family dwellings in the MFR Zoning District, the required front yard shall not be used for parking, loading, display, or storage of equipment or materials.

3. In the C Zoning District, parking, loading, display or storage of equipment or materials shall not be permitted within ten (10) feet of the front lot line, unless approved by the Planning Commission. The Planning Commission, as part of its site plan review, may allow parking, loading, and display or storage up to the front lot line, if the Commission finds that no traffic safety hazard is created by allowing such activity to occur. As a condition of approving such parking, loading, display, or storage up to the front lot line,
the Planning Commission may require installation of a decorative wall, fence, or solid hedge, not exceeding twenty-four (24) inches in height, at the front lot line.

H. Deferred Parking. Where the property owner/applicant can demonstrate that the required amount of parking is excessive, a portion of the required parking area may be deferred until some future date, provided that adequate space on the property is reserved for future parking, and provided that the reserved area is used as open landscaped space until parking is constructed. A permit shall be required prior to construction of a deferred parking area. Construction of the deferred parking may be initiated by the property owner or by the Village based on parking needs.

I. Maintenance. All off-street parking and loading facilities required by this article shall be maintained free of accumulated snow, debris or other materials preventing full use and occupancy of such facilities in accordance with the intent of this article, except for temporary periods of short duration in the event of heavy snowfall.

J. Reduction of parking spaces.

1. A reduction of the number of spaces required may be permitted by the Planning Commission for a building, structure, or use located within eight hundred (800) feet of a regularly-scheduled, year-round transit service stop currently in use and for a use eight hundred (800) feet from a commercial parking facility, and where such reduction will not result in inadequate parking area.

2. A reduction of the number of spaces required may be permitted by the Planning Commission for a new or expanding nonresidential building, structure, or use that dedicates carpool spaces, vanpools, transit passes, covered bicycle spaces or lockers, and similar alternative means of transportation, for its employees, and where such reduction will not result in inadequate parking area.

Table 390-115.01. Required spaces per unit of measure

<table>
<thead>
<tr>
<th>Use</th>
<th>Required Number of Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single- and two-family dwellings</td>
<td>2 spaces per dwelling unit</td>
</tr>
<tr>
<td>Multiple-family dwellings</td>
<td>1.5 spaces per dwelling unit</td>
</tr>
<tr>
<td>Accessory dwelling</td>
<td>1 space per dwelling unit</td>
</tr>
<tr>
<td>Residential above retail or office</td>
<td>1.2 spaces for each dwelling unit, plus parking for the nonresidential uses as determined in this table</td>
</tr>
<tr>
<td>Live/work</td>
<td>1 space per unit, plus 1 space per 500 square feet of space devoted to business use</td>
</tr>
<tr>
<td>Bed-and-breakfast</td>
<td>2 spaces for the principal dwelling use, plus 1 off-street space per guest room</td>
</tr>
<tr>
<td>Home occupation</td>
<td>2 spaces for the principal dwelling use, plus up to 2 additional off-street spaces</td>
</tr>
<tr>
<td>Location</td>
<td>Requirement</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Park or parkland</td>
<td>Village shall demonstrate parking demand</td>
</tr>
<tr>
<td>Day-care, family</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Day-care, adult</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Day-care, group</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Foster-care group home</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Foster-care family home</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Community support facility</td>
<td>1 space for each employee or volunteer on largest shift, plus 1 space for each vehicle operated by the facility, plus 1 space for each dwelling unit, plus 5 spaces for a food and clothing distribution center or other nonresidential use</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1 space per employee of largest shift, plus 1 space per 4 seats of legal capacity</td>
</tr>
<tr>
<td>Places of public assembly</td>
<td>1 space per 4 seats of legal capacity</td>
</tr>
<tr>
<td>Churches, theaters, auditoriums,</td>
<td>2 spaces per 5 seats or 8 feet of pew length</td>
</tr>
<tr>
<td>assembly areas</td>
<td></td>
</tr>
<tr>
<td>Schools, elementary and middle</td>
<td>1.5 spaces per classroom, plus amount required for auditorium or gymnasium seating</td>
</tr>
<tr>
<td>Schools, secondary</td>
<td>1 space per 8 students, plus 1.5 spaces per classroom, plus amount required for auditorium or gymnasium seating</td>
</tr>
<tr>
<td>Retail business</td>
<td>1 space per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>1 space per 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Financial institution</td>
<td>1 space per 200 square feet of gross floor area</td>
</tr>
<tr>
<td>Indoor commercial recreational</td>
<td>1 space per 3 persons allowed within maximum occupancy permitted by building code</td>
</tr>
<tr>
<td>establishments and gymnasiums</td>
<td></td>
</tr>
<tr>
<td>Eating and drinking establishment</td>
<td>1 space per 3 persons of legal capacity</td>
</tr>
<tr>
<td>Hotels, motels</td>
<td>1 space per guest room, plus amount required for other uses on the premises, plus 1 per employee</td>
</tr>
<tr>
<td>Personal service establishment</td>
<td>1 space per 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Professional service establishment</td>
<td>1 space per 450 square feet of gross floor area</td>
</tr>
<tr>
<td>Use</td>
<td>Parking Requirements</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Wholesale facility</td>
<td>1 space per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Assembly operations</td>
<td>1 space per 2,000 square feet of gross manufacturing area, plus amount required for office space on the premises</td>
</tr>
<tr>
<td>Private marinas</td>
<td>0.75 space per boat slip or rack storage bin, plus amount required for other ancillary uses</td>
</tr>
<tr>
<td>Public transient marinas</td>
<td>5 spaces per boat slip</td>
</tr>
<tr>
<td>Public facilities</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Municipal uses – utilities</td>
<td>Applicant shall demonstrate parking demand</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>1 space for each employee of the largest shift, plus 1 space per 200 square feet gross floor area</td>
</tr>
<tr>
<td>Convenience store</td>
<td>1 space per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>1 space per 250 square feet of gross floor area</td>
</tr>
<tr>
<td>Automobile repair, major or minor</td>
<td>1 space per employee of largest shift, plus 1 space per service bay</td>
</tr>
<tr>
<td>Automobile gasoline station</td>
<td>1 space per 150 square feet dedicated to retail activity, plus 1 space at each fuel pump, plus 1 stacking space per fuel nozzle</td>
</tr>
<tr>
<td>Automobile wash</td>
<td>3 stacking spaces per bay, plus 1 space per 350 square feet of retail/office space, not including care wash bays</td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>1 space per 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Warehouse</td>
<td>1 space per 500 square feet of gross floor area</td>
</tr>
<tr>
<td>Drive-through business</td>
<td>5 stacking spaces per drive-through lane with window service or 3 stacking spaces for drive-through ATM, in addition to any spaces required for the non-drive-through uses</td>
</tr>
<tr>
<td>Sexually oriented business</td>
<td>1 space per 350 square feet of gross floor area</td>
</tr>
<tr>
<td>Open air business</td>
<td>1 space per 350 square feet of indoor space devoted to retail activity, plus 1 space for each 2,000 square feet of outdoor display area</td>
</tr>
</tbody>
</table>
Section 390-116. Dimensional requirements for parking.

A. Adequate ingress and egress to the parking area, by means of limited and clearly defined drives, shall be provided for all vehicles. One-way ingress driveways shall have a width between twelve (12) feet and fifteen (15) feet, and two-way ingress and egress driveways shall have a width between twenty-four (24) feet and thirty (30) feet.

B. Maneuvering lanes for ninety (90) degree parking patterns shall accommodate two-way traffic.

C. Minor adjustments of the dimensions prescribed in Table 390-115.01 may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.

D. Dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements in Table 390-116.01 below.

Table 390-116.01. Dimensional requirements for parking spaces and maneuvering lanes.

<table>
<thead>
<tr>
<th>Parking Pattern (see figure 16.1)</th>
<th>Maneuvering lane width, two-way (feet)</th>
<th>Maneuvering lane width, one-way (feet)</th>
<th>Parking space width (feet)</th>
<th>Parking space length (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parallel parking</td>
<td>18</td>
<td>12</td>
<td>9</td>
<td>25</td>
</tr>
<tr>
<td>Angle parking 30° to 75°</td>
<td>24</td>
<td>12</td>
<td>9</td>
<td>21</td>
</tr>
<tr>
<td>Angle parking 76° to 90°</td>
<td>26</td>
<td>15</td>
<td>9</td>
<td>18</td>
</tr>
</tbody>
</table>
Section 390-117. Parking design requirements.

A. All parking facilities, with the exception of those serving single-family dwellings and nonpublic areas used primarily for storage of vehicles, shall be hard-surfaced with asphalt, concrete, brick, stone, pavers, porous or semi-porous pavement, or an equivalent dustless and durable material approved by the Village Engineer.

B. All parking facilities shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from a parking area shall be permitted to drain onto adjoining property, not including a street, unless a watershed easement has been obtained. Discharge of drainage into a public right-of-way or municipal storm sewer shall require prior approval of the Village.

C. If provided, parking area lighting shall comply with Section 390-35, Outdoor Lighting.

D. Parking areas shall comply with the applicable provisions regarding screening and landscaping contained in Article XIV, Landscaping and Screening.

E. Raised curbing, fences, or landscaping shall be provided and located so as to prevent any vehicle from projecting over or into any public sidewalk, walkway, right-of-way, or adjacent property. Wheel stops may be used only if they are firmly attached to the ground to prevent accidental movement from snowplows.

F. Individual parking spaces shall be clearly identified and marked with durable striping to delineate each individual parking space.

G. Parking areas, with the exception of access driveways from streets, shall be located entirely within lot lines and shall not encroach into any public right-of-way. With the exception of parking facilities serving single-family or two-family dwellings, or parking facilities
accommodating less than four (4) vehicles, off-street parking areas shall be designed in a manner which avoids the necessity of vehicles backing into any street.

H. All parking spaces, parking lots, and maneuvering aisles shall provide adequate snow storage area, as determined by the Planning Commission. Snow storage area shall be shown on the Site Plan. In determining whether the proposed snow storage area would be sufficient, the following standards shall be considered:

1. Snow storage shall not interfere with the clear vision and corner clearance requirements of this ordinance, as regulated in Section 390-11 A (2).
2. Snow storage shall not impede pedestrian or vehicular circulation.
3. Snow storage shall not create hazardous conditions for plantings in the landscape.

Section 390-118. Reserved.

Section 390-119. Bicycle parking.

Bicycle parking in the form of bicycle racks may be required by the Planning Commission within fifty (50) feet of the entrance of a building, in accordance with the following:

A. Commercial uses located within two hundred (200) feet of the Village non-motorized trail may be required to provide one bicycle parking space per twenty-five (25) vehicular parking spaces or fraction thereof.

B. Multi-family uses located within two hundred (200) feet of the Village non-motorized trail may be required to provide the following:

1. one (1) bicycle parking space for every three (3) units for complexes of thirty (30) units or less,
2. one (1) bicycle parking space for every four (4) units for complexes of thirty-one (31) to one hundred (100) units,
3. one (1) bicycle parking space for every five (5) units for complexes of one hundred one (101) or more units.

Section 390-120. Required off-street loading and unloading spaces.

A. Provision of off-street loading/unloading spaces shall be required for construction of any building 20,000 square feet or greater in gross floor area, or for any expansion of 2,000 square feet or more in gross floor area of any existing building of 18,000 square feet or greater in existing gross floor area, in the C and CBD Zoning Districts, as follows:

<table>
<thead>
<tr>
<th>Building Gross Floor Area (square feet)</th>
<th>Required Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 20,000 square feet</td>
<td>1</td>
</tr>
<tr>
<td>20,000 to 50,000</td>
<td>2</td>
</tr>
<tr>
<td>Above 50,000</td>
<td>3</td>
</tr>
</tbody>
</table>
B. Off-street loading/unloading spaces shall have minimum dimensions of ten (10) feet in width, twenty-five (25) feet in length and unobstructed height of fourteen (14) feet.

C. Any loading space located closer than fifty (50) feet to any residential zoning district or use shall be completely screened from such district or use by a solid fence or wall at least six (6) feet in height or a landscape screen consisting of a dense, evergreen vegetative buffer not less than six (6) feet in height at the time of planting.

D. Adequate space shall be provided so that vehicles using required loading/unloading spaces are not required to use a street for maneuvering.
ARTICLE XVII, SITE PLAN REVIEW

Section 390-121. Purpose.
The purpose of site plan review is to ensure that the use of land and proposed structures thereon are in compliance with all applicable provisions of this Chapter, other ordinances of the Village and county, and state and federal statutes. This section provides for the consultation and cooperation between the applicant and Planning Commission in order that the applicant may accomplish the desired objectives in the utilization of land within the regulations of this Ordinance, while minimizing adverse impacts on natural features, shores, roadways, adjacent uses, surrounding infrastructure, and future uses of neighboring properties. This Ordinance therefore requires that site plans include the documents, information, and drawings necessary to address whether a proposed land use or activity is in compliance with applicable ordinances and statutes and the intent and purpose of this Ordinance.

Section 390-122. Required site plan review.
A. Site plan review and approval by the Planning Commission shall be required prior to the issuance of a building permit for the construction, reconstruction, erection, or expansion of any building or structure in any zoning district, or prior to the initiation of any special land use in any zoning district, with the exception of the following:
   1. Accessory buildings and structures accessory to a single-family dwelling or two-family dwelling in any zoning district.
   2. Single-family dwellings and two-family dwellings.
   3. Family day-care homes and foster-care family homes in any zoning district.

Section 390-123. Application procedure.
A. Optional Pre-application Conference. Prior to the submission of an application for site plan review, the applicant may meet with the Village for initial review. The purpose of this meeting is to facilitate discussion between the applicant and Village, and to identify any potential issues that will need to be addressed in the site development process.
B. Site Plan Review. Application for site plan review shall be made by submitting the following materials to the Zoning Administrator or Planner at least thirty (30) days prior to the Planning Commission meeting at which the site plan is to be considered:
   1. Twelve (12) copies and a PDF of a site plan containing all of the information required in section 390-124.
   2. A completed application on an appropriate form provided by the Village.
   3. Payment of an application fee, which shall be established from time to time by resolution of the Village Council.

Section 390-124. Required site plan contents.
A. A site plan submitted in accordance with this article shall contain all of the following information:
1. The date, north arrow, and scale. The scale shall not be more than one (1) inch equals twenty (20) feet.

2. The name and address of the individual responsible for the preparation of the site plan.

3. A sketch drawn to scale sufficient to locate the property within the Village.

4. The property size in acres and square feet.

5. All existing and proposed lot lines with bearings and dimensions, including setback lines and existing easements.

6. The location of all existing structures, street rights-of-way, pavement, parking areas and driveways within one hundred (100) feet of the subject property.

7. The location and dimensions of all existing and proposed structures on the subject property, including but not limited to accessory flagpoles, fences, walls, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.

8. For any structure located in the one-hundred-year floodplain, as determined by the Federal Insurance Administration Flood Insurance Rate Map, the elevation, in relation to mean sea level, of the lowest floor (including basement) shall be indicated.

9. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, curbing, unloading areas, recreation areas, common use areas and areas to be conveyed for public purpose and use.

10. Curb cuts, driving lanes, parking, and loading areas shall be shown, including the dimensions of a typical space and aisle; the number of parking spaces and parking calculations; vehicular circulation patterns and features; location of all parking spaces; and identification of service lanes and parking.

11. Locations of exterior site lighting shall be shown, including specification of the height and style of fixtures.

12. Location of exterior trash facilities, including type of screening.

13. The existing zoning of all properties abutting the subject property.

14. Size and location of existing and proposed sewer and water supply systems, and storm sewers, including valves, hydrants, manholes, stormwater intakes and cleanouts.

15. Locations of all other utilities on the site, including but not limited to natural gas, electric, cable television and telephone.

16. The location and size of all existing and proposed subsurface and surface water drainage facilities, established floodplain areas, bodies of water or other unbuildable areas if present on the site.

17. Existing and proposed elevation contours shall be shown at two (2)-foot intervals. Direction of drainage flows shall be indicated. If applicable, the boundary of any area within the one-hundred-year floodplain, as determined by the Federal Insurance Administration Flood Insurance Rate Map, shall be identified.

18. Exterior building elevations and specifications for materials to be used on all structures, including calculation for the percentage of windows for each floor.
19. Location and design of all signs and advertising features, including diagram of height and size of signs.

20. A landscape plan showing required planting and buffering features that comply with Article XIV of this Ordinance.

21. A lighting plan meeting the requirements of Section 390-35 of this Ordinance.

22. Evidence indicating that the sight distance requirements of MDOT and the Ottawa County Road Commission (OCRC), as applicable, are met.

23. Proposed and existing access points on both sides of the street within five hundred (500) feet of the development.

24. Dimensions for driveways (width, radii, throat length, length of any acceleration or deceleration lanes, tapers, pavement markings, and signs) and all curb radii within the site.

25. Route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles, and other similar vehicles.

B. The following documentation shall also accompany the site plan:

1. The name and address of the property owner and petitioner, if different, and proof of ownership or option to purchase by the petitioner.

2. Typical elevation views, with dimensions, of all sides of each principal building type.

3. Summary tables with the following information, as applicable, shall be provided:
   a. Total site area.
      1) Net site area exclusive of right-of-way.
      2) Minimum, maximum, and average lot area.
      3) Number, size, and bedroom mix of dwelling units proposed, list of commercial uses proposed, and the gross floor area of each use.
      4) Area and percentage of site coverage by buildings, pavement and open space.

4. A legal description of the subject property and its street address.

5. If applicable, correspondence showing that the proposal has been submitted to MDOT, and/or the OCRC.

6. Where shared access is proposed or required, a draft access easement, including the maintenance and operation agreements.

7. A copy of the shared parking contract between the property owners when a shared parking agreement has been proposed.

C. The Zoning Administrator may waive any of the requirements of Section 390-124 A and B if, in his/her opinion, such information is not necessary for the review of the site plan.
Section 390-125. Planning Commission review and action.

A. The Planning Commission may hold a public hearing on a proposed site plan, though it is not required. If a public hearing is held, notice shall be given in the same manner as specified in Section 390-151.

B. The Planning Commission shall review the site plan and shall approve, deny or approve with conditions the site plan, based on its conformance with Section 390-126, Site plan review standards, all applicable provisions of this Chapter, other ordinances of the Village and County, and state and federal statutes.

C. The Planning Commission may impose reasonable conditions in conjunction with approval of a site plan which it deems necessary to ensure conformance with applicable provisions of this Chapter and with state and federal statutes.

Section 390-126. Site plan review standards.

All site plans reviewed by the Planning Commission pursuant to this article shall comply with all applicable provisions of this article and with each of the following standards:

A. Natural features preservation. Existing natural features of the site, including vegetation, topography, water features, and other such features, shall be preserved to the greatest extent practical. Only those areas under actual development shall be disturbed.

B. Building relationships. Buildings and structures shall be placed in an orderly, logical fashion that is consistent with its surroundings and the intent of the district in which the lot is located. Where proposed, open spaces shall be located and arranged in a manner which provides view protection, visual relief, physical separation, environmentally sensitive area protection, and/or recreational value to the site and surrounding properties.

C. Views. Views from adjacent properties and streets open to water areas shall be preserved to the greatest extent practical. Placement and height of buildings and locations of open spaces shall make reasonable provision for protection of existing views of the significant visual resources of the Village.

D. Driveways, parking, and circulation. There shall be a proper relationship between the existing streets within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian, bicycle, and vehicular traffic. Proposed streets and access plan and/or ingress/egress drives shall conform with any street or access plan adopted by the Village or MDOT. Access management standards of section 390-31 shall be met.

E. Surface water drainage. Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely affect neighboring properties, the public storm drainage system, or nearby bodies of water. Temporary on-site storage to reduce peak runoff from the site may be required. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in the paved areas. The standards of the Spring Lake Stormwater Management Ordinance (Chapter 320 of the Village of Spring Lake Code of Ordinances) shall be met.
F. **Utility service.** All utility services shall be provided on site in a manner least harmful to surrounding properties, and all utilities are located underground, as applicable, unless specifically waived by the planning commission.

G. **Special features.** Exposed storage areas, trash receptacles, machinery installations, service areas, truck unloading areas, utility buildings and structures, and similar accessory areas shall be screened from view from adjoining streets and properties in accordance with Article XIV, Landscaping and Screening.

H. **Emergency access.** The site plan shall provide for adequate access to the site and all buildings on the site by emergency vehicles.

I. **Transitions.** All structures shall provide an orderly transition to adjacent development of a different scale.

J. **Common areas.** Where appropriate, the site plan shall provide outdoor common areas and associated amenities for employees, customers, and/or residents which may include public trash receptacles, bike racks, seating areas, recreations areas, shade trees, bus stop turnouts, and similar facilities.

K. **Agency approvals.** All applicable local, state, and federal approvals are in place, or that such approvals shall be in place prior to issuance of a land use permit. Further, the failure to remain in compliance with any such approval shall be grounds for denying or revoking approval hereunder.

L. The site plan shall be consistent with the intent and purpose of this Ordinance.

**Section 390-127. Construction in conformity with approved site plan required.**

A. Upon approval or conditional approval of a site plan by the Planning Commission, the Planning Commission Chairman and the applicant shall sign a minimum of three (3) copies of the approved site plan. Signed copies shall be provided to the applicant and the Building Official, and one (1) signed copy shall be made a part of the record of approval.

B. Following approval of a site plan by the Planning Commission, construction of all improvements and other subsequent actions relating to the activity authorized shall be in conformity with the approved site plan.

**Section 390-128. Time limit for approved site plans.**

A. A site plan approval granted pursuant to this article shall be valid for one (1) year from the date of approval. If construction has not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant, the site plan approval shall be deemed expired and shall become null and void.

B. The Planning Commission may grant no more than one (1) extension of the site plan approval for a one (1) year period, upon submittal in writing by the applicant of a request for an extension prior to the date of the expiration of the site plan approval. The Planning Commission shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control of the applicant and that construction on the project is likely to commence within one (1) year and proceed diligently to completion.
Section 390-129. Changes to approved site plans.

A. Amendments to an approved site plan may be made, provided such amendments are in conformance with this Ordinance, and provided such amendments receive approval from the Village. Requests for approval of site plan amendments shall be submitted to the Zoning Administrator.

B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include, but are not necessarily limited to, the following:

1. Internal rearrangement of a parking lot or a reduction in the number of parking spaces by no more than ten (10) percent;
2. Changes in the building size, up to five (5) percent of the gross floor area;
3. Movement of buildings by no more than ten (10) feet;
4. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater size and/or number;
5. Changes in floor plans that do not alter the character of the use or increase the amount of required parking;
6. Changes to building materials of a comparable or higher quality;
7. Changes required or requested by the Village, Ottawa County, or other state or federal regulatory agency in order to conform to other laws or regulations, unless said changes result in a major change in the opinion the Zoning Administrator; and
8. Change of phases or sequence of phases, only if all phases have received final approval.

C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the site plan and shall be processed in the same manner as the original site plan application.

D. Approved amendments to site plans shall be recorded on a revised copy of the site plan meeting the requirements of Section 390-124 and kept in the office of the Zoning Administrator. The Zoning Administrator shall notify the Building Official and any other appropriate agencies or individuals of the approved changes.

Section 390-130. Appeals.

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the same manner as other administrative decisions. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the village, County, or State. The Zoning Board of Appeals shall state the grounds of each determination. An appeal to the Zoning Board of Appeals must be taken within thirty (30) days of the decision complained of by the appellant.
ARTICLE XVIII, SPECIAL LAND USES

Section 390-131. Purpose.
This article describes procedures and standards for approval of special land uses. These uses, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole. The regulations and standards herein are designed to allow reasonable uses of land while maintaining adequate provisions for the protection of the health, safety, and welfare of the community.

Section 390-132. Application procedures.

A. Optional Pre-application Conference. Prior to the submission of an application for special land use, the applicant may meet with the Village for initial review. The purpose of this meeting is to facilitate discussion between the applicant and Village, and to identify any potential issues that will need to be addressed in the site development process.

B. Application requirements. A special land use application shall be submitted to the Zoning Administrator at least thirty (30) days prior to the next regular Planning Commission meeting. An application that is incomplete or otherwise not in compliance with this Ordinance shall be returned to the applicant. All applications shall include the following:

1. Twelve copies of the site plan containing all of the information required by Article XVII, provided that the Zoning Administrator may waive any of the submittal requirements pursuant to Section 390-124 C.

2. A legal description, either by metes and bounds or by subdivision lot and block, and a street address.

3. A completed application on a form provided by the Village.

4. Payment of an application fee, as established from time to time by resolution of the Village Council.

C. Review process.

1. Public hearing. Upon receipt of an application for approval of a special land use, the Zoning Administrator shall schedule a Planning Commission public hearing on the special land use request, in accordance with Section 390-151.

2. Planning Commission decision. Following the public hearing on the special land use request, and the Planning Commission shall approve, approve with conditions or deny the special land use request, based upon review and consideration of materials submitted with the application and comments received at the public hearing.

3. Attachment of conditions. The Planning Commission may impose reasonable conditions related to approval of a special land use which are deemed necessary to:

   a. ensure that public services and facilities will be capable of accommodating increased service and facility loads caused by the proposed special land use

   b. protect the natural environment and conserve natural resources and energy

   c. insure compatibility with adjacent uses of land, and
d. promote the use of land in a socially and economically desirable manner.

4. **Basis for decision.** In arriving at their decision, the Planning Commission shall refer to and be guided by those standards set forth in this article. The decision of the Planning Commission or Zoning Administrator, as applicable, shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the minutes of the Planning Commission or as part of an official record.

D. **Issuance of permit and enforcement.** Upon approval by the Planning Commission, the Zoning Administrator shall issue the Special Land Use permit. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions, and restrictions of any Special Land Use permit and take any enforcement action necessary in the event of a violation of the Special Land Use permit. Any violation of the terms, conditions, or limitations of a Special Land Use permit shall be cause for revocation of the permit.

E. **Amendments.** Amendments to special land use permits shall be handled in the same manner as the initial special land use application. Minor non-substantive changes to a site plan in accordance with Section 390-129 may be made to an existing special land use permit with the approval of the Zoning Administrator.

F. **Appeals.** No decision or condition related to a special land use application shall be taken to the Zoning Board of Appeals.

G. **Transfers.** The special land use permit, along with any and all associated benefits, conditions, and required security may be transferred to a new owner upon the sale or transfer of the property in question. The prior owner, upon transferring the special land use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit and compliance with the terms and conditions of the approved permit.

H. **Abandonment.** Any permitted special land use shall be considered abandoned, and such use shall not be resumed thereafter, if any of the following conditions apply:

1. The owner declares or otherwise makes evident an intent to discontinue the special land use.

2. When the special land use has been replaced by a different use.

3. If the special land use has been abandoned for more than one (1) year, and the Zoning Administrator finds that one or more of the following conditions exist:
   a. Utilities, such as water, gas, and electricity to the property, have been disconnected.
   b. The property, buildings, and grounds, have fallen into disrepair.
   c. Signs or other indications of the existence of the special land use have been removed.
   d. Removal of equipment or fixtures necessary for the operation of the special land use.
   e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the use.
Section 390-133. Reserved.

Section 390-134. Standards for approval.

The Planning Commission shall approve, or approve with conditions, a special land use request only upon a finding that all of the following standards for approval are satisfied:

A. That the use is designed and constructed, and will be operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area in which it is proposed.

B. The Special Land Use shall be consistent with the adopted Spring Lake Village Master Plan.

C. The Special Land Use authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

D. The use is, or will be, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, water and sewer facilities and schools.

E. The use does not involve activities, processes, materials and equipment or conditions of operation that will be unreasonably detrimental to any persons, property or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare, or odors.

F. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

G. The site plan and special land use shall comply with the applicable specific special land use requirements contained in section 390-137 of this article.

Section 390-135. Approval term and expiration.

A. A special land use approval granted pursuant to this article shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 390-136. If the special land use has been initiated or construction necessary for such use has been initiated and is proceeding meaningfully toward completion, approval shall remain valid indefinitely, unless the use is abandoned pursuant to section 390-132 G.

B. 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.

C. A special land use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

D. Applications for re-approval of an expired special land use approval shall be considered in the same manner as the original approval in accordance with the procedures in this article.
Section 390-136. Revocation of special land use approval.

The Planning Commission may revoke any special land use approval, or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this article, any conditions placed on the original approval by the Planning Commission, or any other applicable provisions of this Chapter. Prior to revoking a special land use approval, the Planning Commission shall conduct a public hearing and give notice of such hearing in accordance with Section 390-151. The applicant shall be given a reasonable opportunity to correct the violation(s).

Section 390-137. Requirements for specific special land uses

The general standards and requirements of Sections 390-134 to 390-136 apply to all special land uses. The specific and detailed requirements set forth in this section relate to particular uses and are requirements which must be met by those uses in addition to the foregoing general standards and requirements.

The following requirements shall apply to any special land use approved after the effective date of this Chapter. Uses lawfully in existence on the effective date of this Chapter shall not be considered nonconforming uses or nonconforming structures by reason of noncompliance with the following requirements; provided, however, that the Planning Commission may, as a condition of approval of any special land use request for expansion or modification of such an existing use, require reasonable measures to be taken to eliminate existing noncompliance with these requirements.

Section 390-137.01. 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.

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. **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.

2. **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.

3. **Occupancy.** The property owner must occupy either the principal or accessory dwelling.

4. **Height.** A single story detached ADU shall not exceed thirteen (13) feet in height. A one and one-half (1 1/2;) to two (2) story detached ADU shall not exceed twenty-two (22) 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.

4. **Orientation.** Windows facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.

5. **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.

6. **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 390-137.02. Adult foster care congregate facilities**

A. Adult foster care facilities and homes shall at all times maintain all valid state and local licenses.

B. An adult foster care facility or home serving seven (7) or more residents shall not be located within fifteen hundred (1,500) feet of any other adult foster care facility or home.
Section 390-137.03. Adult foster care small and large group homes

A. Buildings shall conform to the yard, setback, and height standards of the zoning district in which it is located.

B. All required state and local licensing shall be maintained at all times.

C. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

D. Hours of operation shall not exceed sixteen (16) hours during a twenty-four (24) hour period. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.

Section 390-137.04. Assembly operations

A. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.

B. The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.

C. If the entire site is not initially being developed, the applicant shall indicate on the required site plan any contemplated expansions or additional development that might be expected to take place at a future date.

D. No hazardous materials shall be stored on the site or used in any assembly process.

E. If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided which addresses and quantifies each concern and addresses how each concern will be minimized to the satisfaction of the Planning Commission.

Section 390-137.05. Automobile gasoline stations.

A. Minimum lot area shall be twelve thousand (12,000) square feet and minimum lot width shall be one hundred (100) feet.

B. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.

C. Where adjoining a residential zoning district or use, a solid fence or wall six (6) feet in height shall be erected along the common lot line. Such fence or wall shall be continuously maintained in good condition.

D. In the event that the use of the property for sales of gasoline has been abandoned or terminated for a period of more than one (1) year, all underground gasoline storage tanks shall be removed from the premises. The Village may require a performance guarantee at the time of special land use approval to ensure their removal.

Section 390-137.06. Automobile repair, minor and major.

A. There shall be a minimum lot area of 12,000 square feet and minimum lot width of 100 feet.
B. Where adjoining a residential zoning district or use, a solid fence or wall six (6) feet in height shall be erected along the common lot line. Such fence or wall shall be continuously maintained in good condition.

C. All repair work shall be conducted completely within an enclosed building.

D. Any materials or products stored outside and not for sale shall be completely enclosed by a solid fence, wall, or landscape screen approved by the Planning Commission as part of the special land use approval. Such fence, wall, or landscape shall be continuously maintained in good condition.

E. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises in accordance with local, state, and federal regulations.

Section 390-137.07. Reserved.

Section 390-137.08. Automobile wash.

A. Only one (1) ingress/egress driveway shall be permitted on any single street. A one-way-in/one-way-out access shall be counted as a single ingress/egress driveway.

B. Sufficient stacking capacity shall be provided to ensure that traffic does not extend into the street. Self-service car washes shall provide a minimum of four (4) stacking spaces (including one in the wash stall) per each washing stall. Automatic washes shall provide a minimum of ten (10) stacking spaces (including two in the washing facility). Spaces in addition to the minimum required shall be provided if determined by the Planning Commission to be necessary to ensure that traffic does not extend into the street. Stacking shall be planned so as to minimize conflicts with entering and exiting traffic, pedestrians and parking areas.

C. Where adjoining a residential zoning district or use, a solid fence or wall six (6) feet in height shall be erected along the common lot line. Such fence or wall shall be continuously maintained in good condition.

Section 390-137.09. Reserved.


A. A bed-and-breakfast establishment shall only be permitted in a single-family detached dwelling which shall be owner occupied at all times. During temporary absences (up to 14 days in a calendar year) the owner’s designee must be on the premises.

B. A bed-and-breakfast establishment shall only be permitted on the following streets in the Village: Savidge Street, West Exchange Street, and Liberty Street.

C. The impact of the bed-and-breakfast shall be no greater than that of a private home with house guests.

D. The rooms utilized for the bed-and-breakfast shall be a part of the principal residential use and not specifically constructed for rental purposes. Additions to the home for the sole purpose of expanding of the bed-and-breakfast are not permitted. The residence shall not
be altered to contain more rental rooms than the number of bedrooms which existed at the time of enactment of this article.

E. The residential character of the dwelling shall be preserved, and no structural alterations, construction features, or site features of a nonresidential nature shall be permitted.

F. No accessory building shall be used for bed-and-breakfast activities, except that the Planning Commission may permit the use of an existing accessory dwelling as a guest sleeping area for a bed-and-breakfast.

G. Not more than four (4) rooms shall be rented to guests.

H. Meals may be served to overnight guests only and shall not be served to the public at large. No cooking facilities are allowed in individual rooms.

I. Each sleeping room shall have a separate operational smoke detector alarm that meets the requirements of the Michigan Building Code, as amended from time to time. There shall be a fire extinguisher in proper working order on every floor. There shall be at least two (2) exits to the outdoors from the dwelling.

J. Lavatories and bathing facilities shall be provided for all registered guests at a ratio of not less than one bathroom per two (2) guest bedrooms.

K. The maximum length of stay for any guests of the bed-and-breakfast operation shall be fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.

L. All bed-and-breakfast operations shall maintain a guest register including name, address, phone number, and vehicle license number, and indicating the dates of arrival and departure, which shall be subject to inspection by the Zoning Administrator or his/her designee during reasonable hours.

M. Exterior refuse storage facilities beyond what might normally be expected for a single-family detached dwelling shall be prohibited.

N. Accessory retail and service uses, including but not limited to gift shops, antique shops, restaurants, and bakeries shall be prohibited unless the bed-and-breakfast establishment is located in a commercial district where such uses are permitted. Additional parking shall be provided for such additional uses as required by this ordinance.

O. No guest parking shall be permitted in the front yard. No parking area shall be lighted except for a residential porch light as regulated in Section 390-35. A landscape buffer area shall separate the parking area from any adjacent residentially zoned or used property.

P. A complete floor plan and site plan, including off-street parking, must be provided for review and approval of the Planning Commission.

Q. Rooms utilized for guest sleeping shall not exceed two (2) occupants per room, not including children under the age of twelve (12). Each room for guest sleeping shall be at least one hundred (100) square feet in area.

R. Each dwelling utilized as a bed-and-breakfast establishment shall comply with all applicable provisions of the State Construction Code, Building Code, Electrical Code, Plumbing Code, Mechanical Code, Property Maintenance Code, and Fire Prevention Code enforced by the Village. The bed-and-breakfast establishment shall secure all applicable state and local permits or certifications.
S. All signs for the bed-and-breakfast establishment shall comply with the regulations in Article XV of this ordinance.

T. Any property to be used for a bed-and-breakfast establishment shall be suitable for transient lodging facilities. In this connection, a bed-and-breakfast establishment shall meet the requirements of Chapter 271, Rental Units, Registration of, of the Code of the Village of Spring Lake, and shall be subject to periodic registrations and inspections as provided in said code.

Section 390-137.11. Community support facility.

A. The facility must be operated by a church or 501(c)(3) nonprofit organization as a not-for-profit operation. The facility must be located on property that has been removed from the property tax rolls prior to the submission of the special use application. The office(s) of the organization may be in the facility.

B. Any temporary transitional housing shall be subject to the following:
   1. Each dwelling unit may be occupied by the same family for no longer than six (6) months in a twelve (12)-month period.
   2. The organization shall provide details of their residency requirements to the Planning Commission as part of the special use permit application.

C. The facility shall be operated in a single-family dwelling, or a structure built to resemble a single-family dwelling, similar in style to a typical Village home.

D. There may be no more than one (1) principal structure per parcel.

E. The home(s) and property shall be maintained in a manner consistent with the visible characteristics of the surrounding residential neighborhood.

F. The housing units need not be owner occupied.

G. Food and clothing distribution and similar services may occur only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Saturday.

H. Delivery of food, clothing, or other commodities to the facility by semitrailer trucks is prohibited.

I. Parking areas shall be set back five feet from all property lines and the setback area shall be landscaped to buffer adjacent properties from noise and headlights;

J. The applicant shall submit a sign plan for the facility. The Planning Commission shall review the sign plan based on the size and location of the facility and the proximity of the facility to residentially zoned or used properties.

K. Site lighting shall be of a residential nature, size, scale, and intensity, and shall be confined to the property on which the facility is located.

L. Unless otherwise stated in this article, all building additions, accessory buildings, major site changes, or changes in use require an amendment to the special use permit and site plan approval per the requirements of this Chapter.

M. Any community support facility providing transitional housing shall comply with the provisions of Chapter 271 of the Code of the Village of Spring Lake.
Section 390-137.12. Day-care, adult.

A. For purposes of this section "participant" is defined as the adult who is being supervised at the facility.

B. The facility must be operated by a church or 501(c)(3) nonprofit organization as a not-for-profit operation.

C. The applicant shall indicate the number of anticipated participants and illustrate how they will be able to safely accommodate them on site. Input or information from the Fire Chief or other relevant reviewing agency is recommended.

D. Hours of operation shall be limited to a period beginning at 6:00 a.m. and concluding at 11:00 p.m. seven (7) days per week. Additional hours may be permitted from time to time, but must be approved in advance by the Zoning Administrator, or at their discretion, the Planning Commission.

E. The facility shall be operated in a single-family dwelling, or a structure built to resemble a single-family dwelling similar in style to a typical Village home with a homelike atmosphere for the participants.

F. The facility does not need to be owner occupied.

G. The facility shall meet all ADA accessibility standards.

H. All entrances used by participants must be covered by an awning, roof, or other building feature to protect participants from the elements. Such awning or covering may encroach into the side or front setback up to five (5) feet, but no closer than ten (10) feet to the property line. Installation of such awning or covering shall be subject to the approval of the Zoning Administrator.

I. The home and property shall be maintained in a manner consistent with the visible characteristics of the surrounding residential neighborhood.

J. The minimum lot area shall be twenty thousand (20,000) square feet.

K. Outdoor recreation area shall be fenced.

L. A dropoff/pickup area shall be provided for vehicles off the street. Such area shall be arranged so as to allow entrance to the street without backing of vehicles and so as to minimize conflicts between pedestrians and traffic.

M. Parking areas shall be set back five (5) feet from all property lines, and the setback area shall be landscaped to buffer adjacent properties from noise and headlights.

N. All applicants must demonstrate that there will be adequately trained personnel to staff or manage the facility.

O. The facility may have one (1) nonilluminated wall sign not exceeding twenty (20) square feet in area on the building wall facing the street. One (1) additional sign which meets the same requirements may be permitted over a major building entrance facing the parking lot.

P. Site lighting shall be of a residential nature, size, scale, or intensity, and shall be confined to the property on which the facility is located.
Q. Unless otherwise stated in this article, all building additions, accessory buildings, and major site changes require an amendment to the special use permit and site plan approval pursuant to the requirements of this Chapter.

Section 390-137.13. Day care, commercial.

A. All required state and local licensing shall be maintained at all times.

B. All outdoor areas used for care and play area shall be located in the rear or side yards only and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.

C. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
   1. A licensed or pre-existing operating group or commercial day-care home.
   2. An adult foster care facility.
   3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
   4. A community correction center resident home halfway house or similar facility under jurisdiction of the county sheriff or the department of corrections.

D. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.

E. The planning commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10:00 p.m. and 6:00 a.m.


A. All required state and local licensing shall be maintained at all times.

B. All outdoor areas used for care and play area shall be located in the rear or side yard only, and shall have appropriate fencing for the safety of the children. Such fence shall consist of a six-foot-high opaque fence along the area adjoining another residence, and a four-foot to six-foot-high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.

C. Such facilities shall be located at least fifteen hundred (1,500) feet from any one of the following:
   1. A licensed or pre-existing operating group or commercial day-care home.
   2. An adult foster care facility.
   3. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people.
   4. A community correction center resident home halfway house or similar facility under jurisdiction of the department of corrections.
D. Such facilities shall at all times be maintained in a manner consistent with the character of
the surrounding neighborhood.

E. The planning commission shall not prohibit evening operations completely, but may
establish limitations on hours of operation and/or activities between the hours of 10:00 p.m.
and 6:00 a.m.

Section 390-137.15-16. Reserved.

Section 390-137.17. Financial institutions with drive-through facilities.

A. Only one ingress/egress driveway shall be permitted on any single street. A one-way-in/one-
way-out driveway shall be counted as a single ingress/egress driveway.

B. Sufficient stacking capacity for the drive-through facility shall be provided to ensure that
traffic does not extend into the street. A minimum of five (5) stacking spaces (including one
space at the drive-through facility) per each drive-through facility station shall be provided in
all cases. Spaces in addition to the minimum required shall be provided if determined by the
Planning Commission to be necessary to ensure that traffic does not extend into the street.

C. Stacking shall be planned so as to minimize conflicts with entering and exiting traffic,
pedestrians, and parking areas.

D. The drive-through facility shall be screened from adjacent residential properties.

E. The speaker system shall not be audible from the road right-of-way or adjacent properties.

F. Lighting of all drive-through facilities shall be one-hundred-percent cutoff fixtures directed
downward. All lighting shall be directed away from adjacent properties and streets.

Section 390-137.18. Reserved.

Section 390-137.19. Foster-care group homes.

A. Off-street parking spaces shall be provided in a quantity sufficient to accommodate
employees of the foster-care group home.

B. The home and property shall be maintained in a manner consistent with the visible
characteristics of the surrounding neighborhood.

Section 390-137.20. Funeral homes.

A. An off-street vehicle assembly area shall be provided to be used in support of funeral
procession activities. This area shall be in addition to the required off-street parking and its
related maneuvering area.

B. A caretaker's residence may be provided within the main building.

C. The use shall not be located on a local street.
Section 390-137.21. Reserved.

Section 390-137.22. Hotels, motels.
A. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty (150) feet.
B. Where adjoining a residential zoning district or use, a dense, evergreen vegetative buffer not less than six (6) feet in height at time of planting shall be erected along the common lot line. Such buffer area shall be continuously maintained in good condition.

Section 390-137.23. Indoor recreation facilities.
A. Only one (1) ingress/egress driveway shall be permitted on any single street. A one-way-in/one-way-out access shall be counted as a single ingress/egress driveway.

Section 390-137.24. Large places of public assembly.
A. The Planning Commission may require the completion of a traffic impact study for large places of public assembly.

Section 390-137.25. Marinas.
A. There shall be no aboveground storage of gasoline, fuel oil, or other flammable liquids or gasses.
B. No building, structure, dock, or parking area which is part of a marina shall be located closer than thirty-five (35) feet to any lot in the SFR Zoning District.
C. Required parking facilities shall not be used for storage of boats, racks, or trailers for periods exceeding seventy-two (72) hours, from June 1 to September 10.

Section 390-137.26. Reserved.

Section 390-137.27. Open air businesses.
A. Any materials or products stored or displayed in the open air shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
B. Any materials or products stored outside and not for sale shall be completely enclosed by a decorative fence, wall, or landscaped screen approved by the Planning Commission as part of the special land use approval. Such fence, wall, or screen shall be continuously maintained in good condition.
C. Lighting of outdoor display areas shall be shielded so as to deflect light away from any residential use or residential zoning district and shall not be placed so as to interfere with vision of drivers on adjoining streets.

Section 390-137.28. Reserved.

Section 390-137.29. Pharmacies with drive-through facilities.
A. The drive-through facility shall be screened from adjacent residential properties.
B. The speaker system shall not be audible from the road right-of-way or adjacent properties.
C. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way nor does it interfere with internal circulation of vehicles. No more than three (3) stacking spaces shall be permitted.

D. Lighting of all drive-through facilities shall be one-hundred-percent cutoff fixtures directed downward. All lighting shall be directed away from adjacent properties and streets.

**Section 390-137.30. Restaurants with drive-through facilities.**

A. Sufficient stacking capacity for the drive-through facility shall be provided to ensure that traffic does not extend into the street. A minimum of ten (10) stacking spaces shall be provided for the drive-through facility. Spaces in addition to the minimum required shall be provided if determined by the Planning Commission to be necessary to ensure that traffic does not extend into the street. Stacking shall be planned so as to minimize conflicts with entering and exiting traffic, pedestrians, and parking spaces.

B. A minimum of three (3) parking spaces shall be placed beyond the pickup window to accommodate vehicles waiting for delivery of orders.

C. Where adjoining a residential zoning district or use, a dense evergreen vegetative buffer not less than six (6) feet in height at the time of planting shall be installed along the common lot line. The buffer shall be continuously maintained in good condition.

D. The speaker system shall not be audible from the street right-of-way or adjacent properties.

**Section 390-137.31. Senior assisted living facilities.**

A. The use shall be established and maintained in accordance with any and all applicable local, state, and federal laws.

B. Parking shall comply with the parking requirement for each specific use on the site, however, parking requirements may be reduced if the planning commission finds that such requirements may be modified due to varying hours of operation or other factors.

C. All dwellings shall consist of at least four hundred fifty (450) square feet of floor area per dwelling unit.

D. The number of efficiency dwelling units may exceed fifteen (15) percent of the total number of dwelling units, provided the total number of dwelling units shall not exceed eighteen (18) dwelling units per net usable acre of land.

E. The owner shall file with the Village a covenant, reviewed as to form by the Village attorney and approved by the Village Council. The owner shall covenant on behalf of owner and the owner’s heirs, personal representatives, successors, and assigns that occupancy of the development shall be limited to the “aged” as defined in Section 20106 of Michigan Public Act 368 of 1978, the Public Health Code, as amended or as superceded and replaced. The covenant shall be executed and recorded with the county register of deeds prior to issuance of a building permit.

**Section 390-137.32. Short term rentals.**

A. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, 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. Off-street parking shall comply with these requirements in addition to any other requirements for the applicable zoning district in question.

1. A minimum of two (2) off-street parking spaces located on the subject property shall be provided per unit (up to 6 occupants), plus one space for every three occupants over six, based on approved occupancy for the dwelling unit.

2. 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.

C. Outdoor areas intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, fire pits, etc) must meet the following requirements, in addition to other requirements established by this chapter.

1. Fire pits shall meet the requirements of the fire code and any other applicable codes.

2. Patios and decks must be a minimum of three (3) feet from any property line.

3. The planning commission may require an 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, surrounding land uses, topography, and other considerations deemed relevant by the Village.

D. The number of overnight guests in a short term rental shall be based on occupancy limits established by the International Property Maintenance Code. No guest may sleep on couches, the floor, in tents, or in trailers on the lot.

E. The applicant shall submit a floorplan of the dwelling unit and a site plan of the property drawn to a scale of not less than 1/8 inch = 1 foot.

F. No separate cooking facilities shall be allowed in sleeping rooms.

**Section 390-137.33. Tattoo or piercing parlors**

A. The planning commission may establish hours of operation to protect the character of the land uses in the vicinity. Hours of operation shall be consistent with those of adjacent land uses.

B. Food or beverages shall not be served at the establishment.

C. The applicant shall demonstrate that outdoor loitering space would not be provided for and that outdoor loitering would be prohibited.

D. The use shall be compatible with other allowed uses in the vicinity. The impact of the establishment shall be no greater than of other uses allowed in the commercial districts of the Village.

E. A proposed tattoo or piercing parlor shall be located a minimum of one thousand (1,000) feet from an existing tattoo or piercing parlor or educational facility. The planning commission may waive this requirement if it finds that physical features significantly separate the uses so as to avoid concentration of tattoo or piercing parlors, and to avoid the establishment of a tattoo or piercing parlor in proximity to an educational facility.
Section 390-137.34. Veterinary hospitals.
A. Boarding of animals shall not be permitted except for brief periods deemed necessary for medical observation or treatment.
B. Buildings in which animals are treated shall not be located nearer than fifty (50) feet to any adjacent dwelling. No outdoor animal runs shall be permitted.
C. Where adjoining a residential zoning district or use, a solid fence or wall six (6) feet in height or a dense evergreen vegetative buffer not less than six (6) feet in height at time of planting shall be erected and maintained along any common lot line. The buffer area shall be continuously maintained in good condition.

Section 390-137.35. Wholesale establishments and warehouses
A. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
B. The applicant shall submit estimates regarding the amount and type of truck traffic that can reasonably be expected to enter or leave the site on a daily and weekly basis.
C. If the entire site is not initially being developed, the applicant shall indicate on the required site plan any contemplated expansions or additional development that might be expected to take place at a future date.
D. If any hazardous materials are to be stored on the site or used in any manufacturing process, a detailed listing of each substance and the approximate quantity to be located on site shall be submitted. A detailed plan of substance storage, hazard control and prevention, and emergency response shall be submitted and reviewed by the Fire Chief and a report made to the Planning Commission.
E. If the Planning Commission determines that any proposed use or activity will create discernable noise, dust, vibration, odor, glare, or heat beyond any property line, a detailed statement shall be provided which addresses and quantifies each concern and addresses how each concern will be minimized to the satisfaction of the Planning Commission.
ARTICLE XIX, ZONING BOARD OF APPEALS

Section 390-138. Creation and membership.

There is hereby created a Zoning Board of Appeals, the membership, powers and duties of which are prescribed in this article.

Section 390-139. Composition.

Membership. The Zoning Board of Appeals shall consist of five (5) members appointed by the Village Council. One (1) member of the Village Council shall be appointed a member of the Zoning Board of Appeals. One (1) member of the Planning Commission may be appointed a member of the Zoning Board of Appeals. In addition, not more than two (2) alternate members may be appointed by the Village Council.

Each member and each alternate member shall serve a term of three (3) years from the effective date of his or her appointment; provided, regular and alternate members of the Zoning Board of Appeals serving in such position on the effective date of this Chapter may continue their term.

Alternates. The alternate members of the Zoning Board of Appeals may be called as specified herein, to sit as regular members of the Zoning Board of Appeals in the absence of a regular member, if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been called shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. The decision of whether an alternate member shall sit in the absence of a regular member shall be determined by the Chairman of the Zoning Board of Appeals, and, if there is no Chairman, by a majority of the Zoning Board of Appeals' members then in attendance at a duly called meeting of the same.

Section 390-140. Jurisdiction.

The Zoning Board of Appeals shall have all jurisdiction and powers granted by the Michigan Zoning Enabling Act, all jurisdiction and powers prescribed in other articles of this Ordinance and the following specific jurisdiction and powers:

A. To hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official or body charged with the enforcement of this Ordinance, excluding, however, decisions regarding the authorization of special land uses, rezoning of property, zoning amendments, and planned unit developments which are made by the Village Council or Planning Commission. The Zoning Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision, or determination as in the Board's opinion ought to be made in the premises, and to that end shall have all the powers of the administrative official from whom the appeal is taken.

B. The jurisdiction and power to act upon all questions as they may arise in the administration and enforcement of this Ordinance, including interpretation of the Zoning Map and text of this Ordinance;
C. To hear and decide matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Ordinance; and

D. If there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeal is empowered to grant variances from any of the rules or provisions of this Ordinance relating to the construction of, or structural changes in, or alteration of, buildings or structures, or to any other nonuse-related standards in this Ordinance, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

Section 390-141. Granting of variances.

No variance shall be authorized by the Zoning Board of Appeals unless it is found from the evidence that all of the following conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question which are different from other properties in the same zoning district or result from conditions which do not exist throughout the Village of Spring Lake.

B. That such variance is necessary for the preservation and enjoyment of a substantial property right and that the need for such variance was not created by the applicant. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

C. That the granting of such variance will not be of substantial detriment to adjacent property or materially impair the intent and purposes of this Chapter or the public interest.

D. The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.

E. The enforcement of the literal requirements of this Ordinance would involve practical difficulties.

F. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.

G. The requested variance shall not permit the establishment within a district any use which is not permitted within that zone district, or any use for which a special land use permit is required.

Section 390-142. Application and hearing procedures.

A. Application. The following materials shall be filed with the Zoning Administrator at least 30 days in advance of the next regular meeting of the Zoning Board of Appeals:

1. A completed application form signed by the applicant or his/her agent. Applicants other than the owner of the property must submit evidence that the owner of the property is aware and approves of the application.

2. Payment of a fee which shall be established by resolution of the Village Council, and which shall be nonrefundable.
3. A legal description of the property involved in the request.

4. An application or appeal shall be filed not later than thirty (30) days after the order, decision or determination as to which the application or appeal is taken.

5. A site plan, drawn to scale, sufficient to show the nature and extent of the requested variance.

B. After an application for an appeal, a variance, or other authorized relief is complete, has been filed in proper form, and the application fee has been paid, the Zoning Administrator shall transmit to the Zoning Board of Appeals all of the application materials and other evidence relevant to the application.

C. The Zoning Administrator shall schedule the application for a public meeting within a reasonable time. Notice of hearing shall be given in accordance with Section 390-151 of this Ordinance.

D. Applicants shall be required to appear before the Board or be represented by a representative who can speak for and make commitments on behalf of the applicant.

E. The concurring vote of a majority of the full membership of the Zoning Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Zoning Board of Appeals is required to pass under a provision of this Ordinance, or to grant a variance from the requirements of this Ordinance.

Section 390-143. Conditions of variance appeals.

In granting a Variance or in making any decision referred to it by this Ordinance, the Zoning Board of Appeals may impose and attach such conditions upon an affirmative decision in conformance with the provisions of the Zoning Enabling Act as it shall determine are necessary and/or appropriate.

Section 390-144. Official record; findings of fact.

The Zoning Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall include the following:

A. The relevant administrative records and orders issued relating to the appeal.

B. The notice of the appeal.

C. Such documents, exhibits, photographs, or written reports as may be submitted to the Zoning Board of Appeals for its consideration.

D. The written decision of the Zoning Board of Appeals stating the conclusions of the Board relative to the appeal, variance, or interpretation, the basis for the decision, and any conditions imposed.

Section 390-145. Decisions of Zoning Board of Appeals.

A. The decision and orders of the Zoning Board of Appeals shall be entered in the official record after they have been signed by the Chairman and after written notice of the decision has been served either in person or by mail, upon the parties to the appeal, the Village
Zoning Administrator, and the Village Clerk. The Chairman shall sign the decision within ten (10) days after the Zoning Board of Appeals reaches its final decision.

B. The decision and orders of the Zoning Board of Appeals shall become effective five days after the decision and orders are entered on the official record unless the Board shall find immediate effect is necessary to preserve property or personal rights and shall so certify on the record.

C. A copy of the official record of the appeal shall be made available to the parties to any appeal upon request and after payment of a reasonable fee, as set by the Village Council, sufficient to recover the costs of duplicating such material.

D. If the Zoning Board of Appeals grants a variance to the appellant, such variance shall be exercised (construction commenced and actively continued) within six (6) months from the date of such action, unless more time is specifically granted by the Zoning Board of Appeals. If the variance is not exercised within six (6) months or any other time frame established by the Zoning Board of Appeals, the variance will be lost unless the failure to exercise is because of an appeal filed with a court of competent jurisdiction, in which case the variance must be exercised within six (6) months of the conclusion of the appeal and any subsequent appeals.

Section 390-146. Stay of proceedings.

An appeal to the Zoning Board of Appeals shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in the Zoning Administrator’s opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Zoning Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

Section 390-147. Appeal of decisions.

The decision of the Zoning Board of Appeals shall be final, provided that the Board may, in its sole discretion, grant a rehearing. In such case, notice of the rehearing shall be given in accordance with the Zoning Enabling Act. Any person having an interest affected by a final decision on the appeal shall have the right of appeal to the Circuit Court as provided by the Zoning Enabling Act.

Section 390-148. Reserved.
ARTICLE XX, ADMINISTRATION AND ENFORCEMENT

Section 390-149. Zoning Administrator.

A. Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the Zoning Administrator.

B. The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.

C. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

D. It shall be unlawful for the zoning administrator to approve any plans or issue a land use permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this ordinance. To this end, the zoning administrator shall require that an application for a land use permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this ordinance, be accompanied by a site plan, in accordance with Article XVII hereof.

E. Issuance of a certificate of zoning compliance shall in no case be construed as waiving any provisions of this Ordinance. The zoning administrator shall have no authority to grant exceptions to the actual meaning of any clause, order, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land. The zoning administrator shall have no authority to make changes to this ordinance or to vary the terms of this ordinance in carrying out his or her duties.

Section 390-150. Amendments.

A. All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least thirty (30) days prior to the first consideration by the Village Planning Commission.

B. Any person affected by this Ordinance may submit a petition in writing to the Zoning Administrator requesting that consideration be given to amendments to this Ordinance in the particulars set forth in the petition. Such petitions shall be accompanied by the required fee and shall include the following:

1. The name, address, and interest of the person making the request and the name, address, and interest of all persons having a legal or equitable interest in any land which is requested to be rezoned;

2. The nature and effect of the proposed amendment;

3. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the requested
amendment, a legal description of such land, the present zoning district of such land, the zoning district(s) of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned;

4. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same;

5. The changed or changing conditions in the area or in the Village that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;

6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

7. A written response justifying an amendment with regards to the following statements. These statements will be used as standards for the Planning Commission and Village Council to use in their consideration of the requested amendment:
   a. Whether there are changed conditions in the community that have occurred since the property was originally zoned warranting the rezoning request.
   b. Whether the property is reasonably able to be used as zoned and whether the property can be reasonably used under the proposed zoning.
   c. Whether there are other areas of the community that are better suited and planned for the proposed zoning.
   d. Whether the rezoning is consistent with the goals, policies, and future land use map of the Spring Lake Village Master Plan.
   e. Whether the rezoning is compatible with the site’s physical, geological, hydrological, and other environmental features given uses permitted in the proposed zoning district.
   f. Whether the property is compatible with all the potential uses allowed in the proposed zoning district and with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, and infrastructure.
   g. Whether there is capacity of Village infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety and welfare” of the Village or its residents.
   h. Whether there is capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
   i. Whether the rezoning would support a rational and sequential development pattern keeping potential development near existing development and infrastructure, avoiding “leap frog” type development.

C. Conditions. It is recognized that there are certain instances where it would be in the best interest of the Village, as well as advantageous to property owners seeking an amendment to zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. Therefore, an owner seeking a rezoning may voluntarily propose
conditions regarding the use and/or development of land as part of the rezoning request, in accordance with the Michigan Zoning Enabling Act, as amended.

1. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the Village time to consider the offer; and if an offer of conditions is proposed at a Village Council meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration.

2. The Village of Spring Lake shall not add to, alter, or augment the offer of conditions or restrictions.

3. The Planning Commission or Village Council may table a request to give residents of the Village of Spring Lake more time to fully understand the offer of conditions.

4. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the zoning ordinance or other regulations or ordinances promulgated by, or applicable in, the Village of Spring Lake.

5. When considering an offer of conditions or restrictions, the Village shall determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of agreement, reversion, and extensions of conditions.

1. In approving the conditions, the Village Council may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3 hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, as set forth in subparagraph 4 hereof.

2. Neither the applicant nor the Village Council shall add to or alter the approved conditions during the time period specified in subparagraph 1 except by mutual agreement.

3. The time period specified in subparagraph 1 may be extended upon the request of the applicant and with the approval of the Village Council in accordance with the following standards:

   a. The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and the Zoning Administrator’s recommendation on the request to the Planning Commission. The written request shall include reasons why the extension is being sought.

   b. Upon recommendation of the Planning Commission, the Village Council may extend the time period specified under subparagraph 1. In the event such request is approved, if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, as set forth in subparagraph 4.

4. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. At a public hearing, the Planning Commission shall determine whether the
applicant has failed to satisfy the approved conditions, shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such, and shall recommend to the Village Council whether to rezone the land back to its former zoning classification. The Village Council shall make a decision as to the rezoning of the property.

E. Coordination and performance bonds.

1. Where proposed conditions involve public improvements, the applicant shall submit the following to the Planning Commission prior to the final approval of the rezoning and offer of conditions:
   a. A construction schedule;
   b. Costs and obligations;
   c. Responsible parties for obtaining permits; and
   d. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.

2. The Village may require a performance bond or similar financial guarantee in a form approved by the Village Attorney as part of the agreement or approval.

F. Recording.

1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.

2. The statement of conditions shall:
   a. Be in a form acceptable to the Village Attorney and recordable with the Register of Deeds of Ottawa County;
   b. Contain a legal description of the land to which it pertains;
   c. Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successive owners of the land;
   d. Incorporate, by attachment, any diagrams, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the statement of conditions; and
   e. Contain the notarized signature of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.

3. Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of conditions.
G. **Failure to Offer Conditions.** The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

H. **Notices and hearing.** Rezoning or zoning reversion of land shall require notice of public hearing in accord with Section 390-151 hereof.

**Section 390-151. Hearing and notice procedures.**

Whenever a public hearing is required or granted by discretion under the provisions of this Ordinance or the Zoning Act relating to an application or request for zoning approval or other zoning action, notice of the public hearing shall be given as follows:

A. The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Village.

B. Except as provided in subsection D of this section, a notice of public hearing shall also be mailed or be delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:

1. The applicant;
2. All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application or request; and
3. The occupants of all structures within three hundred (300) feet of the property that is the subject of the application or request.
4. If the above described three hundred (300) feet radius extends outside of the Village’s boundaries, then notice must be provided outside of the Village boundaries, within the three hundred (300) foot radius, to all persons in the above stated categories.

C. The notice of public hearing shall include the following information:

1. A description of the nature of the application or request.
2. An identification of the property that is the subject of the application or request. Except as provided in subsection D of this Section, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
3. State when and where the application or request will be considered.
4. Identify when and where written comments will be received concerning the application or request.
5. In the case of an amendment to this Chapter or to the Zoning Map the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.

D. When a proposed rezoning involves eleven (11) or more adjacent properties, the mailing or delivery requirements of subsection B of this Section are not required, and the listing of individual property addresses under subsection C.b is not required.
Section 390-152. Certificate of zoning compliance.

A. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefor. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this Chapter.

B. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, as permitted under the terms of this Chapter, until a certificate of zoning compliance shall have been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Chapter.

C. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.

D. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and is punishable as provided by Section 390-154. Any change in approved plans shall occur only as provided for in this Chapter and shall require the issuance of an amended certificate of zoning compliance.

Section 390-153. Performance guarantee.

A. As a condition of approval of a site plan, special land use, variance, or planned unit development, the Planning Commission, Village Council, or Zoning Board of Appeals may require a performance guarantee to ensure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, utilities and similar items.

1. Such performance guarantee shall be in a principal amount reasonably estimated to enable the village to recover any costs the village incurs to complete such work or otherwise assure compliance with the requirements, specifications, and conditions of such approval should the applicant fail to do so within the time specified within the approval. The zoning administrator, the village engineer, the village’s legal counsel and the applicant shall work together to establish the amount needed to reasonably cover the costs of non-performance. The terms of the performance guarantee may, but shall not be required to, provide for partial releases of the amount of the guarantee as the requirements, specifications and conditions imposed with the approval are fulfilled. If the applicant disagrees with the village staff as to the amount needed to reasonably cover the costs of non-performance, the Village Engineer shall provide an engineer’s cost estimate shall be used to determine the amount required.

2. The performance guarantee shall be provided before any permits are issued pursuant to this Ordinance or the construction code and the failure of any such performance guarantee shall be a basis for revoking any permit granted under this Ordinance or the construction code.
B. Performance guarantees shall be processed in the following manner.

1. Prior to the filing of a final site plan, a pre-application conference may be held to provide an opportunity to the Village staff to inform the applicant of the Village's requirements regarding performance guarantees.

2. Upon filing of the final site plan, the applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be 100% of the cost of installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

3. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village.

4. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a certificate of zoning compliance for the subject development or activity.

5. The Zoning Administrator, upon written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.

6. When all of the required improvements have been completed, the obligor shall send written notice to the Village Clerk of completion of said improvements.
   a. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Council approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections. If partial approval is recommended, the cost of the improvement rejected shall be set forth.
   b. The Council shall either approve, partially approve or reject the improvements. The Zoning Administrator shall notify the obligor in writing of the action of the Council within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

7. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 390-154. Violations and penalties; enforcement.

A. Penalties. Any person violating any provision of this Chapter shall be responsible for a municipal civil infraction, subject to the general penalty in section 1-2 of the Code of the Village of Spring Lake.

1. A separate offense shall be deemed committed upon each day during or when a violation of this Chapter occurs or continues.

2. The owner of record or tenant of any building, structure, premises, or part thereof, and any agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. The imposition of any fine shall not exempt the violator from compliance with the provisions of this Chapter.

4. Any building or structure which is erected, altered or converted or any use of premises or land which is begun or changed subsequent to the time of passage of this Chapter and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

B. Procedure. The Zoning Administrator shall be authorized to issue and serve civil infraction documents on any person with respect to any violation of this Chapter when there is reasonable cause to believe that the person has committed such an offense. The Village, through its duly authorized attorney, may pursue a civil infraction proceeding for any violation of this Chapter. In addition, the Village, acting through its duly authorized attorney, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any violation of this Chapter.

C. Rights and remedies. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 390-155. Administrative liability.

No officer, agent, employee, or member of the Village Council, Planning Commission, or Board of Appeals shall be personally liable for any damage which may accrue to any person or property as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Chapter.

Section 390-156. Fees and escrow.

The Village Council shall periodically establish by resolution a schedule of fees and escrow amounts to be paid by applicants for any permit, certificate, approval, application, or appeals required by this Ordinance. All fees shall be paid to the Zoning Administrator, who shall promptly remit the same to the Village Treasurer. The fee and escrow schedule shall be posted on public display in the Village Hall and may be changed only by resolution of the Village Council. No permit, certificate, approval, application or appeal shall be issued or considered unless and until the fees and escrow amounts therefor have been paid in full, and payment of the required fees and escrow shall be a condition precedent to the validity of any permit, certificate, or approval.
ARTICLE XXI, WIRELESS COMMUNICATION TOWERS

Section 390-157. Background.
A. The Village has received or expects to receive requests to site wireless communications towers and antennas within its boundaries.
B. The Village finds that it is in the public interest to permit the siting of wireless communications towers and antennas within its boundaries.
C. It is the Village’s intent to permit the siting of wireless communications towers and antennas within its boundaries.
D. It is the Village’s intent to protect and promote the public health, safety, and welfare by regulating the siting of wireless communications towers and antennas within its boundaries.

Section 390-158. Purpose and goals.
A. The purpose of this article is to establish several guidelines for siting wireless communications towers and antennas. This article’s goals are to:
   1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
   2. Encourage the location of towers and antennas in nonresidential areas;
   3. Minimize the total number of towers and antennas throughout the Village;
   4. Promote the joint use of existing tower sites rather than construction of additional towers;
   5. Promote the location of towers and antennas in areas where the adverse impact on the Village is minimal;
   6. Promote the configuration of towers and antennas to minimize their adverse visual impact through careful design, siting, landscape screening, and innovative camouflaging techniques;
   7. Promote telecommunications services to the Village which are quick, effective, and efficient;
   8. Protect the public health and safety of the Village and its residents; and
   9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
B. To further these goals, the Village shall consider its Master Plan, Zoning Map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

Section 390-159. Definitions.
As used in this article, the following terms shall have the meanings indicated:

ALTERNATIVE TOWER STRUCTURE. Clock towers, bell steeples, church spires, light poles, elevator bulkheads and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless communications signals or other communications signals.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

HEIGHT. When referring to a tower or other building or structure upon which an antenna is mounted, the distance measured from the finished grade of the parcel at the center of the front of the building or structure to the highest point on the tower or other building or structure, including the base pad and any antenna.

LATTICE TOWER. A support structure constructed of vertical metal struts and cross braces, forming a triangular or square structure, which often tapers from the foundation to the top.

PREEXISTING TOWERS and PREEXISTING ANTENNAS. Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the amendment of the ordinance adding this article, or any tower or antenna for which no building and/or special use permit were required, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting (i.e., without guy wires or other external means of support) lattice towers, guyed towers, or monopole towers, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals. The term includes the structure and any support for the structure.

Section 390-160. Applicability.

A. New towers and antennas. All new towers and new antennas in the Village shall be subject to this article, except as otherwise provided in this section.

B. Amateur radio station operators/receive-only antennas; television antennas. This article shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally licensed amateur radio station or is used exclusively for receive-only antennas.

C. Preexisting towers and antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than the general requirements of this Chapter concerning preexisting structures.

Section 390-161. General requirements.

A. Principal or accessory use. Antennas and towers may be considered either principal or accessory uses. A different existing use of or on the same lot shall not preclude the installation of an antenna or tower on that lot.

B. Lot size. Even though antennas or towers may be located on leased portions of a lot, the dimensions of the entire lot shall be used to determine if the installation of a tower or antenna complies with the regulations of the applicable zoning district, including but not limited to setback requirements, lot-coverage requirements, and other such requirements.
C. **Inventory of existing sites.** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Village or within one mile of the Village borders, including specific information about the location, height, and design of each tower or antenna.

D. **Tower finish.** Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

E. **Tower site.** At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

F. **Antenna color.** An antenna and its supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

G. **Lighting.** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

H. **State or federal requirements.** All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised and applicable standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to comply with such revised and applicable standards and regulations shall constitute grounds for the Village to seek a court order, authorizing the Village or its designee to remove the tower or antenna at the owner's expense.

I. **Building codes; safety standards.** The owner of a tower or antenna shall ensure its structural integrity by maintaining it in compliance with standards contained in applicable state or local building codes and applicable standards published by the Electronic Industries Association or any similar successor organization, as amended from time to time. If the Village suspects that a tower or an antenna does not comply with such codes and standards and constitutes a danger to persons or property, then the Village may proceed under applicable State of Michigan law (i.e., Michigan Public Act 144 of 1992, as amended, or any successor statute) or common law to bring the tower or antenna into compliance or to remove the tower or antenna at the owner's expense.

J. **Measurement.** Tower setbacks and separation distances shall be measured and applied to facilities located in the Village without regard to municipal and county jurisdictional boundaries.

K. **Not essential services.** Towers and antennas shall be regulated and permitted pursuant to this article. They shall not be regulated or permitted as essential public services, public utilities, or private utilities.
L. **Franchises.** Owners and/or operators of towers and antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Village have been obtained; they shall file a copy of all required franchises with the Zoning Administrator.

M. **Signs.** No signs or advertising shall be allowed on an antenna or tower. The tower owner, however, may post a sign designating a person to contact in an emergency, together with the person's telephone and address, and other safety-related signage and notices.

N. **Metal towers.** Metal towers shall be constructed with a corrosion-resistant material.

O. **No interference.** Towers shall not interfere with television or radio reception on surrounding properties.

P. **Paving requirement.** All parking and drive areas must be paved as provided in this Chapter.

Q. **Noise.** All appropriate measures shall be taken to ensure that equipment on the site, including backup generators, shall not generate noise that exceeds sixty (60) decibels at the property line.

R. **Generators and Equipment.** Backup generators and all other equipment shall be installed in strict conformance with manufacturer’s instructions and all local, state, and federal regulations.

**Section 390-162. Permitted uses.**

A. **General.** The uses listed in this section are deemed to be permitted uses by right in any zoning district and shall not require a special use permit.

1. Antennas or towers located on property owned, leased, or otherwise controlled by the Village are permitted uses, provided a license or lease authorizing such antenna or tower has been approved by the Village. This provision shall not be interpreted to require the Village to approve a license or a lease.

2. Antennas which are themselves not more than 30 feet in height and located upon legally existing lattice electric transmission towers are permitted uses.

3. The colocation of an antenna on an existing tower that does not increase the tower height by more than ten (10) feet.

**Section 390-163. Special use permits.**

A. **General.** The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission.

1. If the tower or antenna is not a permitted use under Section 390-162 of this article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in any zoning district.

2. Applications for special use permits under this section shall be subject to the general procedures and requirements of this Chapter for special uses, except as modified in this section.

3. After an application for special land use approval has been received by the Planning Commission, it shall be reviewed by the Zoning Administrator for completeness, and this
determination shall be made within fourteen (14) business days. If, before the expiration of the fourteen (14)-day period, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period shall be paused until the applicant submits the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

4. Approval or denial.
   a. For wireless communications equipment that will be collocated on an existing wireless communications support structure or in an existing wireless equipment compound, the Village shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Village fails to timely approve or deny the application, the application shall be considered approved and the Village shall be considered to have made any determination required for approval.

   b. If the wireless communications equipment will not be collocated on an existing wireless communications support structure, in an existing equipment compound, or does not meet the requirements for a wireless communications support structure as defined in the Zoning Enabling Act, the Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered administratively complete. If the Village fails to timely approve or deny the application, the application shall be considered approved and the Village shall be considered to have made any determination required for approval.

      1) In granting a special use permit, the Planning Commission may impose such conditions that the Planning Commission concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.

      2) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer. Such an engineer shall certify that the tower or antenna will be structurally sound and will comply with all applicable building and other construction code requirements.

B. Processing special use applications.

1. Information required. Applicants for a special use permit for a tower or an antenna shall submit the following information, in addition to any other information required by this Chapter:

   a. A scaled site plan showing the location, type and height of the proposed tower or antenna; on-site land uses and zoning; adjacent land uses and zoning (even if adjacent to another municipality); Master Plan designation of the site and all properties within the applicable separation distances set forth in section 390-163 B (6); adjacent streets; proposed means of access; setbacks from property lines; elevation drawings of the proposed tower or antenna and any other structures; topography; parking; and other information deemed necessary by the Zoning Administrator or Planning Commission to assess compliance with this article.
b. Legal description of the lot and the leased portion of the lot (if applicable), together with a copy of the deed or lease pertaining to that lot.

c. The setback distance between the proposed tower or antenna and the nearest dwelling, platted residentially zoned properties, and unplatted residentially zoned properties.

d. The separation distance from other towers or antennas described in the inventory of existing sites submitted pursuant to Section 390-161 C, the type of construction of those existing towers or antennas, and the owners/operators of those existing towers and antennas, if known.

e. A landscape plan showing specific landscape materials.

f. Method of fencing, finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with the requirements of this article, and of all applicable federal, state, county and Village laws, rules, regulations and ordinances.

h. A notarized statement by the applicant for a tower, indicating if the tower will accommodate co-location of additional antennas for future users.

i. A description of the services to be provided by the proposed new tower or antenna, and any alternative ways to provide those services without the proposed new tower or antenna.

j. A description of the feasible location(s) of future towers or antennas within the Village based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower or antenna is erected.

2. Factors considered in granting special use permits for towers or antennas. In addition to any other standards specified in this Chapter for considering special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit under this article:

a. Height of the proposed tower or antenna;

b. Proximity of the proposed tower or antenna to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the proposed tower or antenna, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress to the proposed tower or antenna;

h. Availability of suitable existing towers or antennas, alternative tower structures, other structures, or alternative technologies not requiring the use of towers or antennas or other structures, as discussed below in this section;
3. Village intentions concerning the location of most if not all towers and antennas. The Village intends that most if not all towers and antennas will be located as described below.

a. The Village encourages the location of towers and antennas, including the placement of additional buildings or other supporting equipment used in connection with them, in a commercial zoning districts or public property.

b. The Village encourages the location of antennas on existing structures or towers consistent with the terms of Subsection B(3)(b)[1] and [2] below.

1) The Village encourages antennas on existing structures which are not towers, as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided the antenna does not extend more than 30 feet above the highest point of the structure;

2) The Village encourages antennas on existing towers, provided that:

a) A tower which is modified or reconstructed to accommodate the co-location of one or more additional antennas shall be of the same tower type as the existing tower or a monopole.

b) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna may be modified or rebuilt to a taller height, not more than once per tower and not to exceed 30 feet over the tower's existing height [this additional height shall not require an additional distance separation per section 390-163 B (6).

c) The Village encourages the location of new towers in nonresidential zoning districts, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; and provided the tower is no more than 90 feet in height if for a single user, no more than 120 feet in height if for two users, and no more than 150 feet in height if for three or more users.

4. Availability of suitable existing towers, antennas, alternative tower structures, other structures, or alternative technology. No new tower or antenna shall be permitted unless the applicant demonstrates to the Planning Commission that no existing tower, antenna, alternative tower structure, or alternative technology can provide the services sought by the applicant without the erection of the applicant's requested new tower or antenna. Evidence that no existing tower, antenna, alternative tower structure, structure, or alternative technology can provide the services sought by the applicant may consist of the following:
a. The applicant could demonstrate that no existing towers, antennas, alternative tower structures, alternative technology, or other structures are available within the geographical area which meet the applicant's engineering requirements.

b. The applicant could demonstrate that existing towers, antennas, alternative tower structures, or other structures are not of sufficient height to meet the applicant's engineering requirements, and that their height cannot be increased to meet such requirements.

c. The applicant could demonstrate that existing towers, alternate tower structures, or other structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, and that their strength cannot practically be increased to provide that support.

d. The applicant could demonstrate that the proposed antenna would cause electromagnetic interference with existing towers or antennas, or that existing towers or antennas would cause interference with the applicant's proposed antenna.

e. The applicant could demonstrate that the costs to co-locate an antenna exceed the costs of erecting a new tower or antenna.

f. The applicant could demonstrate that there are other limiting factors that render existing towers, antennas, alternative tower structures, and other structures unsuitable.

g. The applicant could demonstrate that an alternative technology that does not require the use of towers or antennas is cost-prohibitive or unsuitable.

5. **Setbacks.** The following setback requirements shall apply to all towers for which a special use permit is required:

a. Towers must be set back a distance equal to at least 75% of the height of the tower from any adjoining lot line. The setback is measured from the perimeter or outside edge of the base of the tower.

b. Guys and accessory buildings must satisfy the minimum setback requirements for the applicable zoning district.

6. **Separation.** The following separation requirements shall apply to all towers for which a special use permit is required:

a. **Separation of towers from off-site uses/designated areas.** Tower separation shall be measured from the perimeter or outside edge of the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1. The separation distance shall be measured by drawing or following a straight line between the base of the proposed tower and the offsite uses or designated areas, pursuant to a site plan of the proposed tower.

   1) Separation requirements for towers shall comply with the minimum standards (listed in linear feet) established in Table 1.
Table 390-163.01. Separation Distances

<table>
<thead>
<tr>
<th>Off-Site Use/Designated Area</th>
<th>Separation Distance²</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family or two-family dwelling units¹</td>
<td>200 feet or 1.5 times the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Unimproved single-family or multiple-family residential land which is platted, has preliminary subdivision plan approval which is not expired, or has PUD approval which is not expired</td>
<td>200 feet or 1.5 times the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Other unimproved residentially zoned lands³</td>
<td>100 feet or the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Existing multiple-family dwelling units</td>
<td>100 feet or the height of the tower, whichever is greater</td>
</tr>
<tr>
<td>Nonresidentially zoned lands or nonresidential uses, if not covered by any of the above categories</td>
<td>None; only setbacks established by this Chapter apply</td>
</tr>
</tbody>
</table>

¹ Includes modular homes and manufactured homes used for living purposes.
² Separation measured from base of tower to closest building setback line.
³ Includes any unplatted residentially zoned properties without a preliminary subdivision plan or development approval, and any Multiple-Family Residential Zoning District land.

b. Separation distances between towers.

1) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

2) Separation distances between towers shall comply with the minimum distances (listed in linear feet) established in Table 2.

Table 390-162.02 Existing Towers – Types

<table>
<thead>
<tr>
<th>Proposed Tower</th>
<th>Lattice</th>
<th>Guyed</th>
<th>Monopole 75 Feet in Height or Greater</th>
<th>Monopole Less than 75 Feet in Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lattice</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Guyed</td>
<td>5,000</td>
<td>5,000</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Monopole 75 feet in height or greater</td>
<td>1,500</td>
<td>1,500</td>
<td>1,500</td>
<td>750</td>
</tr>
<tr>
<td>Monopole less than 75 feet in height</td>
<td>750</td>
<td>750</td>
<td>750</td>
<td>750</td>
</tr>
</tbody>
</table>
3) **Security fencing.** Towers for which a special use permit is required shall be enclosed by security fencing not less than six feet in height. The towers shall also be equipped with appropriate anti-climbing devices.

4) **Landscaping.** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required. The required landscaping shall be maintained for the duration of the special use permit.

   a) Tower facilities shall be landscaped with a buffer area of plant materials that effectively screens the view of the tower compound from property then used for dwellings, one-family or multifamily, or included in a residential zoning district. The standard buffer area shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

   b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, the Planning Commission may conclude that natural growth around the property perimeter may be a sufficient buffer area.

**Section 390-164. Accessory utility buildings.**

All utility buildings and structures accessory to a tower or an antenna shall be architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the zoning district where the tower or antenna is located. Ground-mounted equipment shall be screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

**Section 390-165. Removal of abandoned antennas and towers.**

Notwithstanding anything to the contrary elsewhere in this Chapter, any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Village notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the 90 days shall be grounds for the Village to proceed under applicable State of Michigan law to remove the tower or antenna at the owner's expense. If the owner fails to promptly reimburse the Village for the expense, the Village may add the cost of removal to the next tax statement sent to the owner of the real property. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

**Section 390-166. Expansion of nonconforming use.**

Notwithstanding any other provisions of this Chapter to the contrary, towers that are constructed and antennas that are installed in accordance with this article shall not be deemed to be the expansion of a nonconforming use or structure.
ARTICLE XXII, PRIVATE ROADS

Section 390-167. Purpose.
The regulations in this article have been adopted to assure that:

A. Private roads are designed, constructed and maintained to assure the safe passage and maneuverability of private passenger vehicles, service vehicles and emergency services vehicles in all seasons of the year;
B. Private roads are constructed of suitable materials to ensure safe passage and long-term use;
C. Private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Village;
D. Private roads specifications meet current fire and safety standards.

Section 390-168. Effect.
A. This article shall apply to all private roads constructed from and after the effective date of this article, except as otherwise provided in this article.
B. Private roads existing before the effective date of this article shall continue to exist as they previously did. When an existing private road is extended and/or expanded, it shall comply with these regulations.

Section 390-169. Definitions.
The following definitions shall apply to the interpretation of the regulations in this article:

CLEAR AND PASSABLE. That the area is free of roots, brush, shrubs, trees, debris or any other obstruction.
CURRENT FIRE AND SAFETY STANDARDS. The current fire and safety standards as adopted from time to time by the Village Council.
DRAIN COMMISSIONER. The Ottawa County Water Resources Commissioner.
FIRE CHIEF. The chief officer of the Fire Department serving the jurisdiction, or a duly authorized representative.
LATERAL CROWN. The slope of the horizontal cross section of a private road, measured from the highest point of the road’s upper surface to the lowest point of the road’s upper surface.
PRIVATE ROAD. Any privately owned, improved and maintained roadway, path or trail which provides primary means of ingress and egress from a private right-of-way for more than one Lot or Site Condominium Unit.
ROAD AUTHORITY. The Village of Spring Lake Zoning Administrator or current agency in charge of the roads within the Village.

Section 390-170. General regulations.
A. Authorized private roads are permitted in all zoning districts.
B. **Frontage requirements.** A parcel served by a private road shall maintain frontage along the private road right-of-way equal to the minimum lot width required for the zoning district in which the parcel is located.

C. **Extensions and/or expansions.** Any extension of and/or expansion to a private road in the Village shall be considered part of that private road, and shall be constructed in a manner that complies with the requirements of this article.

D. **Stormwater.** The private road shall be constructed with a stormwater runoff management system as deemed necessary by the Village Engineer and/or the Drain Commissioner to maintain predevelopment rates of runoff from parcels served by the proposed private road and for the right-of-way for the private road.

E. **Watercourse or wetlands.** The crossing of any watercourse or wetlands by a private road shall be accomplished in a manner that satisfies the requirements of the Village and any county or state agency having jurisdiction.

F. **Signage.** The private road shall be given a name, as approved by the Road Authority, the Village Assessor, and the Fire Chief. Street signs for the private road shall be designed and installed in accordance with the standards of the Road Authority. Temporary street signs shall be installed at all street intersections when construction of new roadways allows passage by vehicles. The addresses of the lots serviced by the private road shall be permanently displayed on the dwellings located on those lots and on their mailboxes. If the address displayed on the dwelling cannot be seen clearly from where the driveway meets the private road, then a permanent address must be placed where the driveway meets the private road. Cost of all signs shall be the responsibility of the permit holder for construction of the road.

G. **Debris.** Any debris resulting from the construction of a private road shall be removed for appropriate disposal by the owner within thirty (30) days after completion.

H. **Other ordinances.** All Village water and sewer requirements and any other relevant requirements of Village ordinances must be satisfied with the construction of any private road.

**Section 390-171. Private road construction permit.**

A. No private road shall be constructed, extended or relocated unless a private road construction permit has been applied for and obtained under this article.

B. An application for a private road construction permit shall consist of the following materials and documents.

1. A completed application form containing the name(s) of the owner(s) and any other parties having any legal interest in the proposed private road, the property on which it is to be constructed, and the property it is to serve;

2. A survey of the proposed private road right-of-way prepared by a Michigan registered and licensed land surveyor;

3. A joint maintenance agreement which meets the requirements of this article; and

4. Twelve copies of a scale drawing, prepared by a Michigan registered and licensed engineer, showing the following:
a. The exterior boundaries of the lot or parcel on which the private road will be constructed;

b. The proposed layout, grade, elevation, dimensions, and design of the private road right-of-way and roadway, including the location of the proposed ingress and egress from the adjoining street(s);

c. The location of all public utilities, including water, sewer, telephone, gas, electricity and television and/or media cable to be located in or within 20 feet of the private road right-of-way;

d. The location of any lakes, streams, wetlands, drains, septic systems or private sewer systems within one hundred (100) feet of the private road right-of-way;

e. The proposed layout and location of lots to be served by the proposed private road;

f. The location of any other building or structures located or to be located within one hundred (100) feet of the private road right-of-way;

g. The location of all existing buildings or structures to be serviced by the private road;

h. A stormwater management plan for water runoff from the private road.

Section 390-172. Review and approval procedure.

A. Application for private road construction permits shall be subject to the procedures applicable to site plan approval outlined in Article XVII of this Ordinance.

B. Applicable fees shall be paid when a completed application is presented for a private road permit.

Section 390-173. Maintenance and repairs.

A. Private roads shall be maintained in a manner that complies with the provisions of this article.

B. All private roads shall be continuously maintained in such a way that they will not constitute a danger to the health, safety and welfare of the Village's inhabitants or visitors. All private roads shall be continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

C. All costs for the maintenance and repair of a private road shall be the responsibility of the property owners served by the private road, as specified in the joint maintenance agreement required by this article.

Section 390-174. Indemnity.

As a condition of applying for and obtaining a private road construction permit, all applicants for a private road construction permit and all owners of a private road shall agree to indemnify and hold the Village, and anyone else authorized by and acting on behalf of the Village to assist in the private road review process, harmless from any claims for personal injury or property damage arising out of the construction, use, maintenance, inspection, review or repair of a private road.
Section 390-175. Maintenance agreement.

Applicants for a private road construction permit, and owners of the property bordered by and serviced by a private road, shall provide the Village with a recordable private road maintenance agreement. The maintenance agreement shall be in a form satisfactory to the Village and shall provide that the private road shall be privately maintained and repaired to assure safe travel for all emergency vehicles at all times and during all seasons of the year. This maintenance agreement shall be recorded at the Ottawa County Register of Deeds and shall be a recordable covenant running with the land, binding on all lots served by and bordered by the private road. The maintenance agreement shall include the following:

A. Financing improvement and/or maintenance. The maintenance agreement shall include a method of initiating and financing any improvement or maintenance of the private road as is necessary to keep it in a reasonably good, usable, and safe condition.

B. Method of apportioning costs. The maintenance agreement shall include a method of apportioning the cost of improvement or maintenance of the private road, together with a method to enforce payment by providing that any amount remaining unpaid by the owner of a lot serviced by the private road shall become a lien against that lot.

C. Village's option to improve and/or maintain. The maintenance agreement shall include a procedure whereby the Village may, in its discretion but without obligation, improve or maintain the private road and assess the cost thereof to the owners of lots serviced by the private road in a reasonably proportionate manner, such as road front footage, without the need for any additional petition for the improvements or maintenance from the lot owners.

D. Noninterference provision. The maintenance agreement shall include a provision that the owner of each lot using the private road shall not prohibit, restrict, limit or in any way interfere with normal ingress and egress and other use(s) of the private road by the owners of the remaining lots with an interest in the private road, including family members, guests, trades people and others with legitimate purposes who are traveling to or returning from any of the lots with an interest in the private road.

E. Indemnity provision. The maintenance agreement shall include a provision that all of the owners of lots with an interest in the private road shall indemnify the Village and individuals associated with the Village from any liability whatsoever arising from the purchasing, planning, constructing, inspecting, repairing, maintaining, using and dedicating of the private road.


A. Upon completion of construction of the private road, the permit holder shall provide the Building Official with a set of "as built" drawings and sealed documentation from a Michigan-registered engineer certifying that the private road has been completed in accordance with the requirements of the permit issued. Authorized Village personnel may inspect the private road to determine whether it complies with the approved plans and permits as issued, but this inspection shall not detract from the Village's ability to rely on the certification of a Michigan-registered engineer concerning the private road. A certificate of compliance shall be issued by authorized Village personnel if it is determined that the private road has been constructed in compliance with approved plans and the permit as issued.
B. If the completed private road does not satisfy the requirements of the issued permit, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Chapter.

C. Authorized Village personnel shall have the right to enter upon the property where the private road is or will be located to conduct such inspections as may be necessary to administer these regulations and guarantee continued compliance.

Section 390-177. Fees.

Application fees for permits required by this article shall be set by the Village Council from time to time by resolution.

Section 390-178. Building permits for parcels on private roads.

No building permit shall be issued for any building, dwelling or structure provided access by and having frontage on a private road unless the maintenance agreement is recorded, a private road construction permit has been issued by the Village, and an inspection by the Fire Chief has determined that there is acceptable access in compliance with current fire and safety standards.

Section 390-179. Approval by Road Authority.

No permit shall be issued for a private road until the applicant has presented the Village with a curb-cut permit issued by the Road Authority, or a letter from the Road Authority indicating that no such permit is required.

Section 390-180. Performance guarantee.

A. The Village may require the applicant to post a bond or some other performance guarantee in the form of cash, a bank letter of credit, or other surety to ensure compliance with the requirements of this article.

B. If required, the amount of the performance guarantee shall be equal to the total estimated cost of construction of the private road as approved by the Village.

C. The performance guarantee, or unspent portions of it, will be returned to the applicant by the Village upon completion of the private road to the standards required by this article.

D. The performance guarantee shall be processed in accordance with the requirements of this article, and in accordance with the requirements of this Chapter, including the requirement for periodic rebates of the performance guarantee as portions of the construction of the private road are completed.

Section 390-181. Miscellaneous provisions.

For purposes of this article, the following definitions or rules shall apply:

A. The length of a private road shall be measured along the centerline of the road from the center line of the street that the private road touches to the end of the private road.
B. All parcels developed after the construction of the private road that have frontage on the private road shall take their primary access from the private road, and not an adjacent street.

C. All private roads are subject to periodic inspection by the Fire Department in order to ensure that they are being properly maintained according to current fire and safety standards.

D. The terms "maintenance" and "repair" include, but are not limited to, the following: snow removal, grading, tree trimming, tree removal, and reconstruction of a private road.

E. This article shall apply to all private roads which are constructed after the effective date of this article, and to all private roads lawfully existing at the time of the effective date of this article if they are subsequently improved, extended, or expanded to serve a greater number of lots or site condominium units.

F. These regulations replace in their entirety any other regulations applicable to the construction of private roads in the Village.

G. Construction of a private road is to be commenced within one year of issuance of the permit, and the applicant is to proceed diligently to completion of the road. If construction is not commenced within such period and pursued diligently to completion, the permit shall expire and the applicant shall reapply as provided in this article if the applicant later decides to proceed. The period within which construction must be commenced is subject to extension by the Village Council for good cause shown and, as a condition of extension, the Village Council may increase the amount of performance guarantee required.

H. The improved portion and the cleared and passable portion of any private road shall be located in the middle of the right-of-way for the private road.

Section 390-182. Standards and requirements for private roads.

All private roads shall be subject to the following standards and requirements.

A. Less than seven lots or site condominium units served. Private roads which serve more than one and less than seven lots or site condominium units shall have the following minimum improvements.

1. A subbase of granular material (MDOT Class II) which is at least twelve (12) inches in depth.

2. An aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six inches in depth for the entire length of the road.

3. The minimum width of the right-of-way shall be at least thirty-three (33) feet for the entire length.

4. The minimum width of both the subbase and the aggregate base course shall be at least fourteen (14) feet for the entire length.

5. The road shall have a vertical clearance of at least thirteen (13) feet six inches for its entire length.

6. Roads which are at least four hundred (400) feet but less than six hundred (600) feet in length shall provide a passing lane twenty (20) feet wide and sixty (60) feet in length. Roads which are at least six hundred (600) feet but less than eight hundred (800) feet in
length will provide two such passing lanes. Private roads greater than eight hundred (800) feet in total length shall provide an adequate number of passing lanes so as to allow uninterrupted Fire Department operations. These passing lanes shall be constructed in the same manner as the private road, using the same materials.

7. The road grade shall not exceed ten (10) percent.

8. The minimum width of the aggregate base course and an additional two (2) feet on each side must be clear, passable, and maintained.

9. The private road shall have a minimum lateral crown of two (2) percent and a maximum lateral crown of seven (7) percent.

10. The owner of the property on which the private road shall be constructed must record an easement for ingress and egress purposes directly to and from a street for the benefit of the owners and users of the lots or site condominium units which are served by the private road. The easement shall also provide for the construction, maintenance, and repair (as well as reconstruction) of the private road and utilities. In addition, a public easement shall be required for municipal water and sanitary sewer. The easement shall benefit the lots or site condominium units which front on or abut to the private road. Additionally, the owner of the property over which the private road is to be constructed shall grant an easement to or for each utility company or municipality which provides utility or emergency services to any parcel which is accessed by the private road; the form and location of the easement for utilities or emergency service must be reviewed and approved by the utility company or municipality prior to recording of the easement.

11. The owner of the property on which the private road shall be constructed must record a maintenance agreement with the Ottawa County Register of Deeds which complies with the requirements of this article.

12. Any private road with less than seven (7) lots or site condominium units which was developed or approved in conjunction with a development with seven or more lots or site condominium units must follow the standards of Section 390-182.

13. The design layout, including but not limited to radius of turns and culs-de-sac, shall be reviewed by the Fire Department to ensure that emergency equipment can readily traverse the private road. The review by the Fire Department shall be based on the current fire and safety standards. Any private road which dead ends shall have a cul-de-sac which is designed and constructed in accordance with the specifications of the current fire and safety standards and/or the Road Authority. Standards of a private road system and intersections with public roads shall provide adequate clear vision, safe turning and safe travel at the posted speed limit as determined by the Road Authority, as if the private road were a street under the jurisdiction of the Road Authority.

B. Commercial zone or seven (7) or more lots or site condominium units serviced. Private roads which are in a commercial zone or which serve seven (7) or more lots or site condominium units shall have the following minimum improvements.

1. A subbase of granular material (MDOT Class II) which is at least twelve (12) inches in depth.

2. An aggregate base course of compacted gravel, crushed concrete, slag, or similar material which is at least six (6) inches in depth for the entire length of the private road.
3. The minimum width of the right-of-way shall be at least sixty-six (66) feet for the entire length.

4. Bituminous paving overlay of the base course is required. The bituminous paving and the bituminous mixture or content must meet or exceed the then-current standards of the Village for local streets, excluding the requirement for curb, gutter and storm sewer installation. The paving must also be able to support the live load requirement of current fire and safety standards.

5. The private road shall have a vertical clearance of at least thirteen (13) feet six (6) inches for its entire length.

6. The minimum width of the aggregate base course and an additional two (2) feet on each side must be clear, passable and maintained.

7. The private road shall have a minimum lateral crown of two (2) percent and a maximum lateral crown of seven (7) percent.

8. The owner of the property over which the private road shall be constructed must record an easement for ingress and egress purposes directly to and from a public street for the benefit of the owners and users of the lots or site condominium units which are served by the private road. The easement shall also provide for the construction, maintenance, and repair (as well as reconstruction) of the road and utilities. In addition, a public easement shall be required for municipal water and sanitary sewer. The easement shall benefit the lots or site condominium units which front on or abut to the private road. Additionally, the owner of the property over which the private road is to be constructed shall grant an easement to or for each utility company or municipality which provides utility or emergency services to any parcel which is accessed by the private road; the form and location of the easement for utilities or emergency service must be reviewed and approved by the utility company or municipality prior to recording of the easement.

9. The owner of the property over which the private road shall be constructed must record a maintenance agreement with the Ottawa County Register of Deeds which complies with the requirements of this article.

10. The design layout, including but not limited to radius of turns and culs-de-sac, shall be reviewed by the Village Fire Department to ensure that the Village’s equipment can readily traverse the private road. The review by the Village Fire Department shall be based on the current fire and safety standards. Any private road which dead ends shall have a cul-de-sac which is designed and constructed in accordance with the specifications of the current fire and safety standards and/or the Road Authority. Standards of a private road system and intersections with public roads shall provide adequate clear vision, safe turning and safe travel at the posted speed limit as determined by the road authority, as if the private road were a street under the jurisdiction of the Road Authority.

11. Maximum separation. A private road right-of-way which intersects a street right-of-way shall have a minimum separation from any other private road right-of-way and any other street right-of-way equal to what the Road Authority would require as a minimum separation between two (2) streets.
ARTICLE XXIII, WIND ENERGY TURBINES (WETS)

Section 390-183. Purpose.
The purpose of this article is to establish guidelines for siting wind energy turbines (WETs). The goals are as follows:

A. To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.

B. To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.

C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

Section 390-184. Definitions.
The following words, terms, and phrases, when used in this article, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

AMBIENT SOUND LEVEL. The amount of background noise at a given location prior to the installation of a wind energy turbine (WET) which may include, but not be limited to, traffic, machinery, lawn mowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

ANEMOMETER. A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine (WET) at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

DECIBEL. A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

DECOMMISSIONING. The process of terminating operation and completely removing a wind energy turbine (WET) and all related buildings, structures, foundations, access roads, and equipment.

NACELLE. The encasement which houses all of the generating components, gear box, drive tram, and other equipment in a wind energy turbine (WET).

NET-METERING. A special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

OCCUPIED BUILDING. A residence, school, hospital, church, public library, business, or any other building used for public gatherings.
OPERATOR, WET. The entity responsible for the day-to-day operation and maintenance of a wind energy turbine (WET).

OWNER, WET. The individual or entity, including their respective successors and assigns, with equity interest in or ownership of a wind energy turbine (WET).

ROTOR DIAMETER. The cross-sectional dimension of the circle swept by the rotating blades of a wind energy turbine (WET).

SHADOW FLICKER. The moving shadow, created by the sun shining through the rotating blades of a wind energy turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

SMALL STRUCTURE-MOUNTED WIND ENERGY TURBINE (SSMWET). Converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The total height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennas, and other similar protuberances.

SMALL TOWER-MOUNTED WIND ENERGY TURBINE (STMWET). A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The total height does not exceed one hundred twenty (120) feet.

STRUCTURE. Any production or piece of work artificially built up or composed of parts joined together in some definite manner, including, but not limited to, buildings, radio and television towers, sheds, signs, and storage bins. As used with wind energy turbines, "structure" means any building or other structure, such as a municipal water tower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.

TOTAL HEIGHT. The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of a wind energy turbine (WET).

TOWER. A freestanding monopole that supports a wind energy turbine (WET).

UPWIND TURBINE. A wind energy turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

WIND ENERGY TURBINE (WET). Any structure-mounted, small wind energy conversion system that converts wind energy into electricity through the use of a wind generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Section 390-185. Applicability.

This article shall apply to the following:
A. This article applies to all WETs proposed to be constructed after the effective date of this article.

B. Upwind turbines shall be required.

C. A small structure-mounted wind energy turbine (SSMWET) and a small tower-mounted wind energy turbine (STMWET) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Chapter unless appropriate Village permits have been issued to the WET owner(s) or WET operator(s).

D. All WETs constructed prior to the effective date of this article shall not be required to meet the requirements of this article; however, any physical modification to an existing WET that materially alters the size, type, equipment or location shall require a permit under this Chapter, in compliance with the standards of this article.

Section 390-186. Siting and design.

All SSMWETs and STMWETs must be sited and designed in accordance with the following:

A. Visual appearance.
   1. A SSMWET or STMWET, including accessory buildings and related structures, shall be a solid, nonreflective, nonobtrusive color (e.g., white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
   2. A SSMWET or STMWET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or unless otherwise approved by the Planning Commission.
   3. A SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer and safety-related signage.

B. Ground clearance. The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least fifteen (15) feet above the ground (at the highest point of the natural grade within thirty [30] feet of the base of the tower) and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human use, such as decks, balconies or roof gardens, that are located directly below the SSMWET or STMWET.

C. Noise control.
   1. Where an adjacent parcel contains a residential use or parks, schools, hospitals or churches, the noise produced by the SSMWET or STMWET may not exceed the lowest ambient sound level that exists between the hours of 9:00 p.m. and 9:00 a.m. along any adjacent property line used for such purposes.
   2. Where no adjacent parcel contains a residential use or other use listed above, the noise produced by the SSMWET or STMWET may not exceed the lowest ambient sound level that exists between the hours of 9:00 p.m. and 9:00 a.m. on the parcel, plus five decibels dB(A).
D. **Vibration.** Vibrations shall not be produced which are humanly perceptible beyond the property on which the SSMWET or STMWET is located.

E. **Shadow flicker.** The SSMWET or STMWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the SSMWET or STMWET. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed thirty (30) hours per year.

F. **Guy wires.** Guy wires shall not be permitted as part of the SSMWET or STMWET.

G. **Height.** The total height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennas, and other similar protuberances. The total height of a STMWET shall not exceed one hundred twenty (120) feet.

H. **Setback.** The setback for a SSMWET shall be a minimum of fifteen (15) feet from the lot line, street, private road, or overhead utility lines. The setback shall be measured from the farthest outward extension of all moving parts. The setback for a STMWET shall be at least one hundred fifty (150) feet from any front lot line (or rear lot line in the case of a waterfront lot), and shall be set back a distance equal to or greater than the total height of the STMWET, as measured from the base of the tower, from all other lot lines, public or private streets, public easements, or overhead public utility lines.

I. **Separation.** If more than one SSMWET is installed on a lot, a distance equal to the total height of the highest SSMWET must be maintained between the base of each SSMWET.

J. **Location.** The SSMWET shall not be affixed to the wall on the side of a structure facing a street or private road. A STMWET may only be located in a rear yard of a lot that has an occupied building. A STMWET may be located in a side yard or front yard of a lot that has an occupied building, provided that it is set back at least one hundred fifty (150) feet from the front lot line (or rear lot line in the case of a waterfront lot), as measured from the base of the tower.

K. **Quantity.** No more than three SSMWETs shall be installed on any lot of residentially zoned or used property. The Planning Commission may allow more SSMWETs on commercially zoned properties if appropriate. No more than one STMWET shall be installed on any residentially zoned or used property. The Planning Commission may allow more STMWETs if appropriate. The Planning Commission shall consider the size of the lot, the use of the lot, the location of the proposed WETs, the use of and impact upon adjoining lots, and other relevant factors in determining if additional WETs are appropriate. No more than three SSMWETs or one STMWET shall be allowed on any single lot of residentially zoned or used property, unless specifically approved by the Planning Commission.

L. **Electrical system.** All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each lot at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the WET to the tower wiring are exempt from this requirement.
M. **Anemometers.** If an anemometer is to be installed prior to, or in conjunction with, a SSMWET or STMWET, it must be done so in accordance with the following provisions:

1. The construction, installation, or modification of an anemometer tower shall require a certificate of zoning compliance and applicable building, electrical or mechanical permits and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.

2. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety, and decommissioning of this Ordinance that correspond to the size of the SSMWET or STMWET that is proposed to be constructed on the site.

**Section 390-187. Certificate of zoning compliance application requirements.**

In addition to the standard information required on a certificate of zoning compliance application form, applications for SSMWETs and STMWETs shall also include the following information and documentation:

A. A site plan (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) and/or STMWET(s), lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, nonmotorized pathways, public and private streets, and contours. The site plan must also include adjoining lots as well as the location and use of all structures.

B. The proposed number, type, and total height of SSMWET(s) and/or STMWET(s) to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.

C. Documented compliance with the noise requirements set forth in this Chapter.

D. Documented compliance with applicable Village, county, state, and federal regulations, including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.

E. Evidence of a net metering agreement with the utility company that contains the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.

F. For STMWET applications, a description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

G. Verification that the SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

H. Other relevant information as may be reasonably requested by the Village.

**Section 390-188. Safety requirements.**

All SSMWETs and STMWETs must be designed to meet the following safety requirements:
A. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.

B. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, overspeeding, and excessive pressure on the tower, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.

C. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET and on the security fence if applicable. The sign shall not exceed two (2) square feet in area and contain at least the following:
   1. Warning of high voltage;
   2. Manufacturer’s and owner/operator’s name; and
   3. Emergency contact numbers (list more than one number).

D. The structural integrity of the SSMWET or STMWET shall conform to the applicable design standards of the International Electrical Commission, or any similar successor standards.

E. The WET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

F. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.

**Section 390-189. Decommissioning.**

Any SSMWET or STMWET that is to be decommissioned shall be done so in accordance with the following requirements:

A. The WET owner(s) or WET operator(s) shall complete decommissioning within six (6) months after the end of the useful life. Upon request of the WET owner(s) or WET operator(s) of the SSMWET or STMWET, and for a good cause, the Zoning Administrator may grant a reasonable extension of time. The SSMWET or STMWET will be presumed to be at the end of its useful life if no electricity is generated for a continuous period of six (6) months; the end of its useful life may also be established by other facts and circumstances determined by the Zoning Administrator. All decommissioning expenses are the responsibility of the WET owner(s) or WET operator(s).

B. If the WET owner(s) or WET operator(s) fails to complete decommissioning within the period prescribed above, the Village Council may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the property and added to the next tax statement issued for the property upon which the SSMWET or STMWET is located. If the SSMWET or STMWET is not owned by the lot owner(s), a bond, security deposit or bank letter of credit must be provided to the Village for the cost of decommissioning each SSMWET or STMWET prior to construction.

C. In addition to the decommissioning requirements listed previously, the STMWET shall also be subject to the following:
1. Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.

2. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the WET owner(s) or its assigns. The site shall be seeded to prevent soil erosion.

3. All WET applications shall provide a decommissioning plan and performance bonds as necessary by the Village.

4. Legal agreements may be required between the WET owner/operator and the Village to ensure compliance with all decommissioning requirements.

Section 390-190. Public inquiries and complaints.

Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise or shadow flicker requirements of this Chapter, the procedure shall be as follows:

A. Noise complaint.

1. Notify the Village in writing regarding concerns about noise level. If the complaint is deemed sufficient by the Village to warrant an investigation, the Village will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.

2. If the test indicates that the noise level is within Ordinance noise requirements, the Village will use the deposit to pay for the test.

3. If the SSMWET or STMWET owner(s) is in violation of the noise requirements, the owner(s) shall reimburse the Village for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Village will refund the deposit to the aggrieved property owner.

4. If the WET owner(s) fails to correct the violation(s), the Village Council may designate a contractor to make the corrections with the expense thereof to be charged to the violator. If the WET owner(s) fails to reimburse the Village for the noise level test the cost will become a lien against the property and added to the next tax statement issued for the property upon which the WET is located.

B. Shadow flicker complaint.

1. Notify the Village in writing regarding concerns about the amount of shadow flicker. If the compliant is deemed sufficient by the Village to warrant an investigation, the Village will request the aggrieved property owner deposit funds in an amount sufficient to pay for a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.

2. If the test indicates that the flicker shadow is within Ordinance noise requirements, the Village will use the deposit to pay for the test.
3. If the SSMWET or STMWET owner(s) is in violation of the Ordinance shadow flicker requirements, the owner shall take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected. The Village will refund the deposit to the aggrieved property owner.

4. If the WET owner(s) fails to correct the violation(s), the Village Council may designate a contractor to make the corrections with the expense thereof to be charged to the violator. If the WET owner(s) fails to reimburse the Village for the noise level test the cost will become a lien against the property and added to the next tax statement issued for the property upon which the WET is located.
ARTICLE XXIV, MISCELLANEOUS PROVISIONS

Section 390-191. Reserved.

Section 390-193. Repealer/Limitation.

The former Zoning Ordinance of this Village, effective April 23, 1990, and all amendments thereto, are hereby repealed; provided, however, that the same shall remain in force for the purpose of instituting or sustaining any proper action or prosecution for the enforcement of any penalty or liability thereunder.
To: Village President Mark Powers & Council Members

From: Angela Stanford-Butler, DDA Director

Date: 8/7/2020

Re: Department Report

_Tanglefoot Park_ – Plans for the Community Building, the cornerstone of the new Tanglefoot Park, are expected to arrive from Progressive AE the week of August 10th. The Tanglefoot steering committee will be brought back together virtually to review and weigh in on the plans.

/DDA 7th Amendment/ – A new amendment to the restated and amended Spring Lake DDA Development Plan is being presented to extend the DDA for an additional 17 years beyond the 5 that are left to align with the term of the bonding that will be required to finance the Tanglefoot Redevelopment Project. A resolution will be presented to the DDA at the August 11 meeting.

_2020 Grant Applications_ –

A virtual “site visit” of our MNRTF grant application was completed last month. A member of the review board walked us through our application and the outstanding questions that we could expect to receive later this month. We are confident that we will be able to provide the additional materials needed to provide answers to the board’s satisfaction.

_For the Love of Spring Lake Masks_ – The Village was invited to join the initiative created by the collaboration of NOCH, Grand Haven and the Revel Agency. The mission was to find a new message to promote the wearing of masks in our communities. Because some people are still not responding to the “helping others” message, this one was directly related to the economy. If our COVID numbers go up, our local businesses will close down. If you love your community and the businesses within them, wear a mask! The project was a huge success. Most of our businesses purchased the special “For the Love of Spring Lake” masks. A second
order was placed when residents expressed interest in them. Grand Haven, Spring Lake and Ferrysburg were all featured in the local and West Michigan News. Residents and businesses are still inquiring.

**Village Rebranding Campaign** –

We are on target to launch the new Village of Spring Lake logo to the public in October to dovetail with the Grand Opening of Epicurean Village. Village collateral materials are already being ordered to prepare for the launch.

**Jackson St Public Parking Lot Improvements** –

In preparation for the Epicurean Village opening, we are working to make simple improvements the Public Park Lot. These will include crack sealing, seal coating and restriping of the surface, rock filling the islands as well as new LED lights and new globes.

**New Street Signs** –

We are moving into the ordering phase for our new street signs. Our current signs have been inventoried for required street names and quantities and have been passed on to the Wally Delemater, our DPW Director. He has ordered a sample to be made in the approved creative style. Once the sample has been reviewed and approved, the signs will be ordered.

**Digital Reader Board**–

Proposals have come in from vendors to replace the Village static message board with an LED board. The proposals will be reviewed by the DDA at their August 11 Board meeting and a purchase will go into effect once a vendor is named.

**DDA Parking Analysis** –

The proposals from vendors were due back Thursday, Aug. 6 but none were received. Bill Cousins is looking into this.

**Art In The Park** – Spring Lake High School Senior Liv Butler was awarded the Seven Steps Up mural commission. The required theme of the mural was to visually show how music and
art bring diverse cultures together. She started mid-July and will likely finish by mid-August. Four other artists who also submitted concepts have been awarded a mural commission on the brick wall to the east of Ace Hardware at the south end of Central Park. Those artists worked collaboratively with art teacher Jennifer Gwinnup to develop a new theme and creative concepts that will be reviewed by both the DDA and the Village Council before the painting begins.

**Mass Gathering Ordinance** – Ron Knoll has had to change two of his marathons to Virtual events where runners run at home. While we are currently still on target to host the Armed Services Marathon, ½ Marathon & 5K on Saturday, September 26th. Ron plans to make a final decision regarding the status of this race at the end of August. We will need to be in Phase 5 of COVID Recovery for Ron to keep this a public event. I will keep everyone posted of the event status should anything change.
Memo

Date: July 31, 2020

To: Angela Stafford-Butler, DDA Director

From: Bill Cousins, Special Projects Manager

Re: LED Sign Quotes for new sign at North-east corner of Savidge & Division Streets

Quotes have been received from five sign companies for the replacement of the lighted DDA sign at the Northeast corner of Savidge & Division Streets with a new LED message board (approximately 126” x 40”) that can be programmed remotely by a Village computer. The sign will have either a cellphone or a radio connection for programming. Most of the quotes will have no after-purchase costs for this service. All software, programming and staff training costs are included in the quoted prices by each contractor. The new sign will be able to be of a low intensity during the evening hours and a higher intensity during the daytime hours. The sign will be capable of providing full-color graphics along with messages of varying sizes. The messages and or graphics will be programmable to be changed or rotated over the course of time (but not shorter that the Zoning Ordinance allows). The chosen company will remove the existing sign and install the new one. The electrical connection will be made by a separate Village provided contractor. The sign company will then complete the installation by programming the sign and training staff on the new software. Differences in quotes are due to utilizing 11mm and 16mm bulb sizes along with overall size of the signs. Details of each quote are shown below:

OPTIC EDGE DIGITAL SIGNS – Paris, Michigan

10 mm LED -

Sign size: 125” x 42”

Warranty – 5 years parts, 1 year service (Optic Edge will extend the service warranty to five years at an additional cost of $2,400.00)

Connection to remote computer – Ethernet radio signal

PRICE: $15,023.25
SUN RAY SIGN GROUP – Holland, Michigan

Two options submitted:

A. 16 mm LED-

Sign size: 126” x 39.37”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $13,469.00

B. 11 mm LED-

Sign size: 126” x 39.37”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $17,196.02

ADVANCED SIGNS – Ferrysburg, Michigan

Three options submitted:

A. 16 mm LED- w/ Sign size: 113” x 35”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $12,340.00

B. 16 mm LED- w/ Sign size: 126” x 39”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $16,390.00
C. 11 mm LED – w/Sign size: 126” x 39”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $21,019.00

PORT CITY SIGNS – Muskegon, Michigan

Two options submitted -

A. 16 mm LED-

Sign size: 122.8125” x 37.8125”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $19,137.85

B. 10 mm LED –

Sign size: 122.8125” x 37.8125”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – lifetime service contract

PRICE: $24,353.91

D-SIGN – Holland, Michigan

Three options submitted:

A. Option A - 10 mm LED – w/Sign size: 101” x 44.25” plus 28” x 44.25” static sign (logo)

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – Cellular service an additional cost to be paid by the Village

PRICE: $18,441.56
B. **Option B - 16 mm LED** – w/Sign size: 126” x 37.8”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – Cellular service an additional cost to be paid by the Village

PRICE: $18,043.12

C. **Option C - 10 mm LED** – w/Sign size: 126” x 37.8”

Warranty – 5 years parts and service

Connection to remote computer – cellular modem – Cellular service an additional cost to be paid by the Village

PRICE: $19,393.75
### SUMMARY (by price w/notes for size & cellular service):

**16 MM SIGNS –**

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<tr>
<th>Contractor</th>
<th>Price</th>
<th>Size</th>
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</thead>
<tbody>
<tr>
<td>1. Advanced Signs</td>
<td>$12,340.00</td>
<td>113” x 35”</td>
</tr>
<tr>
<td>2. Sun Ray Signs</td>
<td>$13,469.00</td>
<td>126” x 39.37”</td>
</tr>
<tr>
<td>3. Advanced Signs</td>
<td>$16,390.00</td>
<td>126” x 39”</td>
</tr>
<tr>
<td>4. D-Signs</td>
<td>$18,043.12</td>
<td>126” x 37.8” (Plus cost of cellular service)</td>
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<tr>
<td>5. Port City Signs</td>
<td>$19,137.85</td>
<td>122.8125” x 37.8125”</td>
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</table>

**10/11 MM SIGNS –**

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<td>2. Sun Ray Signs</td>
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<td>3. D-Signs</td>
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<td>101” x 44.25 (Plus cost of cellular service) (Plus 28” x 44.25” static sign)</td>
</tr>
<tr>
<td>4. D-Signs</td>
<td>$19,393.75</td>
<td>126” x 37.8” (Plus cost of cellular service)</td>
</tr>
<tr>
<td>5. Advanced Signs</td>
<td>$21,019.00</td>
<td>126” x 39”</td>
</tr>
<tr>
<td>6. Port City Signs</td>
<td>$24,019.00</td>
<td>122.8125” x 37.8125”</td>
</tr>
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</table>
TO: Village President Mark Powers & Council Members
FROM: Chris Burns, Village Manager
DATE: August 7, 2020
RE: Lilley Cares Parks Initiative

Background: Mr. Robert Lopez, Executive Director for Lilley Cares has created a Spring Lake Parks Initiative that he would like Council to consider. This initiative was presented to the Parks & Recreation Board on August 3, 2020. While the P&R Board was supportive of this concept, they did have a couple of questions for Mr. Lopez. In order to formulate a response, those questions have been forwarded to Mr. Lopez. Mr. Lopez has been invited to attend the Council Work Session.

Issues & Questions Specified: Should Council embrace volunteers to assist with efforts to beautify the Village?

Alternatives: Decline Lilley Cares’ offer.

Financial Impact: Unknown at this time, however, Mr. Lopez has indicated that the goal of Lilley Cares is to remove financial burden for parks maintenance from the Village. Ideally, this proposal will allow the DPW to spend more resources (time and money) in areas that desperately need it.

Recommendations: Council discretion.

Attachments:
Lilley Cares Parks Initiative
The Spring Lake Parks Initiative
The Lilley Cares Organization Mission Statement

“Lilley Cares will endeavor to engage in charitable events that bring the Spring Lake Village community together to work toward a more beautiful and self-sustaining Village. The Lilley Mansion is a symbol of both historic and reborn Spring Lake, and its name will come to represent the efforts of an entire community to beautify and enhance Spring Lake as a whole through Lilley Cares. Lilley Cares will partner with existing and future Spring Lake charitable organizations to enrich community resources utilizing our high level of visibility and our network of relationships to build a diverse volunteer force.”
Dear Spring Lake Village Council,

Lilley Cares is proposing something revolutionary; a different kind of public park system managed with the ingenuity of local residents, Lilley Cares, The Village of Spring Lake, and a sophisticated network of engaged and dedicated volunteers.

We aim to take what the Village created and maintained for the last 150 years and move it to the next phase in its natural development. By expanding the level of expertise, funding, and public participation Lilley Cares hopes to transform the physical landscape of the village into something more in tune with its true character. Through the reforestation of public parks and the re-imagination of public spaces we expect to draw crowds from our community and our neighboring towns. A combination of public events, natural beauty, and irresistible amenities will make our park system a must see for any visitor to West Michigan.

Our most visible contribution to Spring Lake will undoubtedly be our 500 trees in 5 years program. We hope to reforest streets, replenish diversity in our public spaces, and return nature to our parks. Gone will be the days of excessive concrete and useless non functional fencing that surrounds our village. Our goal is to produce a bicycle path that provides shade from the township to the shore of Tanglefoot Park. Our parks will be a respite from the world and provide access to nature for all.

This private/public partnership benefits everyone by dramatically extending the reach of the Department of Public Works. We expect our organization to significantly reduce the work required by the DPW while simultaneously increasing the amount of amenities offered. We foresee volunteer programs, summer horticulture immersive children’s classes, and more. Taking the next and most logical step will mean our parks will be home to a more diverse and healthy forest, our residents will be surrounded by a public park system that is more welcoming, and our Village will enjoy the public programs offered all year.

Thank you,

Lilley Cares
Our Mission

Our project mission is to plan resilient and sustainable parks, public spaces, and recreational amenities, improve a park system for present and future generations, and care for our parks and public spaces.

Lilley Cares specific mission within the Spring Lake Park Initiative is threefold:

1-Establish full tree cover for our public spaces when and where possible and landscape where tree cover is not feasible.
2-Establish and manage regular public events that benefit all residents and attract visitors in every season of the year in to our park system.
3-Reduce the cost of managing the park system for the DPW while adding additional public amenities and invest those savings into the park system.

Our Vision

Our vision is to create and sustain lush forests, thriving parks, and engaging public spaces for all to enjoy through a private/public partnership.

A New Kind of Linear Park.

The goal of The Spring Lake Park Project is to empower people to cultivate vibrant parks, trees, and green spaces in our community. Our efforts are based on improving and rethinking our public parks and maintaining a sustainable urban forest that actively supports our community's economic, environmental, and cultural health.

Our organization was founded in 2019, with the belief that Spring Lake's vibrant community could be improved through close collaborations between neighbors and local organizations. For some in our community their neighborhood park is a place to discover their love of nature and the outdoors. Our goal is to wholeheartedly support this connection.

Great cities have great parks, and The Spring Lake Parks initiative asserts that every resident in our community deserves to live within walking distance of a safe and beautiful public green space. The Spring Lake Parks initiative, in partnership with the DPW and Lilley Cares, aims to meet our goals by working with community members to create stewards for parks and trees. Our volunteer program connects residents with opportunities to beautify a park or plant a tree each year.

We accomplish our goals through park events and our volunteers that bring people together. At many events, our staff will gather input from residents to elevate their voice in community revitalization, change misconceptions about green spaces and community parks, and to build healthy and active communities in the communal space that parks provide
Short term Park Goals

Year 0-1

-Establishing The Spring Lake Parks Initiative Committee

Lilley Cares will select members for a committee whose sole mission will be the maintenance and day-to-day operations of Spring Lake Parks Initiative. This committee will function at the pleasure of the board of directors and will answer directly to the Executive Director. The seven member committee will consist of Spring Lake residents, members of the DPW and local leaders.

Village Council Members, DPW employees, and Village Manager are explicitly excluded from joining this committee.

2 members will be appointed for a term of 2 years
3 members will be appointed for a term of 1 year
2 members will be appointed for a term of 6 months

Lilley Cares may, at any time, add additional committees or members for purposes such as, but not limited to, fundraising, new initiatives, or at the boards sole discretion.

-Establishing a 5 year park plan

The Park Initiative Committee will establish a 5 year (2021-2026) all encompassing park plan. This plan will include all programs, budgets, fundraising needs, procurements, and maintenance plans.

This plan will include all tree needs including a planting schedule and map of proposed plantings over the next 5 years. This schedule should be broken down by village block and have an ultimate goal of 500 trees over the next 5 years.

This plan should include a full list of all new amenities planned for all public spaces.

This plan should include the committees' vision for the use of public spaces for festivals, public events, and large scale art projects.

-Complete a full landscape inventory

Committee will enable the completion of a full park inventory that includes the identification of of dead, distressed, and dying trees, identification of invasive species, the identification of critical pruning needs, and what may be moved versus removed.

Committee will enable a full tree and landscape inventory including the identification of rare or endangered species and the identification of any landscape with historic significance. Every park block should be documented and photographed recording any special plantings and/or special features.
Committee will enable the full inventory of all park infrastructure and hardscape including the mapping of park benches, lighting, all entrances and exits, signs, and refuge containers. This inventory will include a safety analysis that documents and removes any critical safety issues including broken hardscape or falling or dead trees.
-Park Stabilization

Lilley Cares aims to stabilize the Lakeside Trail at the earliest possible time. This includes removing damaged trees, establishing long term corrective remedies for mature trees, the removal or containment of invasive species, and pruning where initially required.

Further, the removal of broken or outdated hardscape such as, but not limited to unused or dangerous exercise equipment, the updating of refuse containers, the fixing, replacement, or securing of park benches, pavement repair, updating/correcting signs where critical, addition of signs in neglected spaces along the bicycle path, and the removal of ineffective, undesirable, or unsightly fence or hardscape structures.

-Lawn Minimization plan

Replace lawn space with either mulch or planted garden space where and when available. This process will significantly benefit the village in an immediate cost reduction of DPW time and a reduction in the use of resources. We propose the complete removal of lawns from all forested areas and entrance points, and replace with perennials including a mix of natives.

Lilley Cares will allocate time and resources to a new maintenance plan that includes a significant reduction in the time spent on menial tasks. Lilley Cares plans on having a volunteer schedule that effectively removes the village from several blocks of the bicycle path and frees them to focus on areas that are underserved.

We expect significant community engagement through our headquarters and civic programs. We expect to attract talent through programs, educational opportunities, and advertising. The end result is a park teaming with civic engagement and dynamic projects.
Long Term Park Goals

-Infrastructure

In addition to improving the park from its current form The Spring Lake Parks Initiative plans to add a significant amount of new features. These attractions are designed to interest a wide population while still maintaining the quaint feel of the village. The new amenities we hope to include are the restoration of existing wetlands and the addition of new wetlands along the river and along M104 next to the Holiday Inn Parking lot (pending ONR approval), adding a large pond, increasing butterfly habitat, designing birdwatching areas, improvement of picnic areas, adding educational activities, and improving on the entrance garden at each park cross street.

Bicycle use and safety are paramount to our plan and adding features that attract bicyclists are critical. The Park Project will partner with existing businesses to add bicycle pumps, bicycle racks, and signs to direct traffic on private property and pull cyclists off the path. Our first partnership launches this fall with Brooklyns Bagels and the addition of a bicycle rack, pump, and path to the restaurant. We expect this to be the first of many partnerships to benefit park patrons this year.

Lilley Cares will establish a bicycle rental business at our new headquarters for summer 2021. These bicycles will be available to anyone to rent at a fixed rate. We foresee this benefiting the bicycle path greatly.

Excess hardscape is also a significant concern for our project and vision. The removal of excess pavers, cemented surfaces, fences, and bricking increases ground water absorption and cools the general area. Moreover, the removal of excess fencing opens the trail and extends the users line of sight increasing both safety and the perceived depth of park.

By moving the cement planters from their current location we have the ability to remove the cement pads they are currently on. This in turn will create new planting beds that may accommodate a large tree and seasonal plantings. This will fit with our planting scheme and further enhance the feel of the village.

-Develop consistent park architecture style and look

Working with the village to make a consistent architectural move towards uniformity begins with the unification of hardscape such as lighting, seating, landscaping, and signage.

Making all entrance and exits consistent through a uniform planting schedule and eco friendly choices reduces the work required and funds needed to replenish annually. We plan to use no mow options when and where available.
-Capital improvements

The Park project proposes the complete replacement of all park signs and addition of local attractions and major business stops. These signs may be sponsored through public/private partnerships that benefit park users. With the village changing the official logo this fall this would be a great opportunity to update.

-Trail Town Designation

A Trail Town is a community through which a trail passes that supports trail users with services, promotes the Trail to its citizens and embraces the Trail as a resource to be protected and celebrated. Trail Towns are built on a relationship between a village, the Trail, and its volunteers. Lilley Cares supports this endeavor completely.

-500 Trees in 5 Years

One major initiative for The Park Project will be to plant 500 trees within 5 years. This initiative aims to cover most, if not all public spaces, with an uninterrupted tree canopy. This initiative plans for several different avenues from which to attain trees including public donations, private organizations, and more.

Some examples are listed below:

-The Spring Lake Arbor Program

The Arbor Program will launch in 2021 to enhance Spring Lake’s parks and public spaces and as a way to honor and celebrate the lives and achievements of friends and families. Working with the DPW, Lilley Cares has identified locations where the village has determined they would like trees and the specimens and species that they would like to plant. Donors can choose their location and tree. The price of the tree is based on the cost of planting as well as a fund to support maintenance (e.g., fertilization, watering, pruning and replacement if necessary) for five years.

-The Victoria Verplank Tree Fund

This generous fund donates monies to the village every year* may be leveraged and increased through a new and more significant partnership.

-Direct Contributions

Contributions of roughly $150.00 may be made directly to The Spring Lake Parks Initiative and those funds will be allocated directly to our goal of planting trees.

*Varies year to year and may not happen every year.
- Redesigning the basic layout and concept of our public spaces

Relocating the cement planters currently placed in unappealing locations on Savidge Street brings safety and aesthetic benefits to the Lakeside Trail along with a reduced cost associated with maintenance.

The proposed intersections of N. Fruitport Road, N. Lake Avenue, Alden Street, S. Buchanan Street, N. Jackson Street, N. Division Street, N. Park Street, N. Cutler Street, and School Street along the bicycle path would each receive 4 planters. These planters will be placed on either side of the trail crossing and each on opposite sides of the road. This will ensure a consistent park entrance/exit architectural feature and give pedestrians and bicyclists a safer intersection from which to cross. New plantings will not include irrigation and will instead focus on drought tolerant perennials. This feature alone will ensure the village saves a considerable sum in labor, maintenance, and resources.

We propose executing this particular aspect of the Spring Lake Parks Initiative over years 3-5. This means removing and replacing each individual planter base with 1 tree in newly created and irrigated planting beds along Savidge Street.
Community involvement

-Year 1-5

-The Spring Lake Parks Initiative financing

The Park project aims to have each and every park block adopted through individual and corporate sponsorships. These sponsors may have signs reflecting these gifts and their donations go directly towards these initiatives. These donations will include mid size monetary assistance through local businesses, large corporate sponsorships, and grants from public or governmental entities.

Park benches will be available for sponsorship and will feature engraving. Each bench will require a donation and the engravings will remain indefinitely. Our goal is 100 park benches in 5 years spread throughout the park system raising a large sum of money and beautifying the parks in the process.

Engraved bricks will be offered to park patrons and will be placed at strategic park entrances and exits. These bricks are offered through the Spring Lake Parks initiative and all funds go directly towards benefiting the park system.

We foresee hosting many fundraising events throughout the year and keep the focus on The Spring Lake Parks Initiative through lunches, dinners, and special events including silent auctions, local experiences, and more. Our regular newsletter will feature park news and will our email capture system will enable us to have a deeper reach into our community and beyond.

-Public Art Initiatives

The Lakeside Trail is a natural canvas for the development of an enticing and innovative public art initiative. The Spring Lake Parks Initiative expects these initiatives to expand with more public art spaces becoming available over time. The following are a few concepts being considered now.

Bird Box art Project
Expanding the Art in the Park mural program
Summer Art Classes
Art Festivals
Movies in the park
Live music in the park
- Volunteer programs

The Park Project cannot function without the generosity of our volunteers. We rely on their passion for our parks to make this project a reality. Our volunteers manage every aspect of our organization and are responsible for our success.

On basic level our volunteers are passionate plantsmen and women. These volunteers manage the seasonal plantings and the evolving landscape of our changing public spaces. Like our corporate sponsors, we foresee adoptions of individual blocks of park space by organizations and individuals who are interested in participating. These volunteers may offer to maintain the park litter free, weed at a regular basis, simply report on an ongoing concern, check for damage after storms, and more.

These partnerships will result in a reduction of work for the DPW and saved resources for areas that need significantly more attention.

Volunteers also assist us in our main office with work from accounting to secretarial and every role in between.

- Educational Programs

Educational programs and public outreach are key components to our overall strategy. The attraction of the widest possible local population is critical in ensuring The Park Project is a success.

In the summer months we will offer classes on the importance of butterfly gardens and the key plantings required to establish a Monarch way station. This program will use the Lakeside Trail as an example of how to get it right at little to no cost.

Other programs under consideration and in the beginning stages of planning are rooftop urban bee keeping, youth summer horticulture immersive, aquatic studies, and summer in the park programs. Each program will feature volunteer instructors and offer a curriculum tailored to our region. These students will have the ability to utilize every corner of our park system and enjoy the results of our Parks initiative.

- Community Garden Space

Providing Communal gardening in the form of a co-op summer garden space enhances the educational opportunities for village youth and engrains the fundamental benefits of gardening at a very young age. A simple 2'x4' plot provides enough space for a family to grow veggies and herbs.

Several different locations are currently being explored for use in the coming years.
-Legal Advice

Lilley Cares will use its current in-house Lawyer to consult for The Spring Lake Park Initiative program.

-Advisors

Lilley Cares will consult with Joan Mack as our in-house Not-for-profit Advisor. Joan has been appointed through the Lilley Cares Board of Directors and serves at the pleasure of the board.

-Banking and accounting

Lilley Cares will use Rehman Accounting Services for its accounting needs. Rehman has exclusive access to our bank accounts and their related funds. No member of the Board of Directors or this committee have access to any funds in any account.

This committee is expressly forbidden from accessing these funds or accounts. All procurements or withdrawals are to be handled through the Executive Director of Lilley Cares and Rehman directly. Only Rehman has access to these accounts and all reporting is public.
Organizational Group Goals

Short Range Group Plans

• Meet park supervisor and manager
  • Adopt common goals
  • Establish work routines
• Create an Adopt-a-Park program with DPW
• Hold regular, well-attended meetings
• Create a membership mailing list
• Create lists of useful phone numbers
• Introduce group to elected officials, schools and faith communities
• Become familiar with local law enforcement.
• Write by-laws

Mid-Range Group Plan

• Apply for grants
• Expand membership
• Send out mailing
• Host a small fundraiser
• Develop strong working relationship with police, elected officials, merchants, civic groups, schools, churches, etc.
• Solicit mid-size contributions from landlords and business owners
• Get the word out through public relations

Long-Term Group Plans

• Win a large grant
• Publish regular newsletter
• Host large fundraising event
• Expand membership
• Hire paid staff
• Compile archive of accomplishments (photographs, newspaper articles, flyers, etc.)
TO: Village President Mark Powers & Council Members
FROM: Wally Delamater
       Director, Spring Lake DPW
DEPT: Downtown Development Authority
DATE: August 7, 2020
RE: Consulting Engineering Proposal: Parking Lot Rehabilitation, Clock Tower & Baber School Lots

Background: The DDA, as part of their long-term strategy, the DDA desires to improve parking lots in the downtown business. The DDA has determined that certain parking lots are beyond general repair and maintenance of the existing surface. The primary issues are pavement surface condition and drainage issues.

The proposal enclosed from Moore and Bruggink engineering and consulting services is for both parking lots.

1. Prepare Plans: Prepare plans for surface removal, drainage improvements, new surface
2. Prepare specifications for bidding.
3. Bid and hold preconstruction meetings and schedule coordination.

Issues & Questions Specified: Once plans are developed and bids received, a contract recommendation will be brought before council for final authorization.

Alternatives: The firm of Moore and Bruggink is the Village’s engineer of record. Alternate engineering proposals were not sought. Once engineering is complete there may be construction alternatives to consider.

Financial Impact: DDA 2020-21 Budget: Line Item 236-000.000-978.000

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Recommendations: Authorize the Village Manager to execute the enclosed Professional Service Agreement from Moore and Bruggink dated July 30, 2020 for the estimated amount of $3,950 to perform the services as outlined in the enclosed proposal dated July 30, 2020.

Attachments:

Overhead site pictures
July 30, 2020

Proposal – Barber School and Clock Tower Parking Lot Resurfacing

Mr. Wally Delamater
Village of Spring Lake
102 West Savidge Street
Spring Lake, Michigan 49456

Dear Mr. Delamater,

Moore+Bruggink, Inc., is pleased to provide a proposal for design engineering for the Barber School and Clock Tower Parking Lot Resurfacing project located in the Village of Spring Lake, Ottawa County, Michigan.

In preparing this quote, we reviewed the project limits with you and understand that the parking lot surface at both locations has deteriorated and is in need of replacement. A detailed specification package and plans will be required to obtain uniform bids for the work.

Based on this background, our services for the design engineering will include the following:

1. **Prepare Plans:** We will utilize GIS information to develop a base plan from which we will prepare removal and improvement plans, cross section sheets, and cost estimates for Village review.

2. **Prepare Specifications:** We will prepare contract specifications, construction special provisions, and details that meet Village requirements. The specifications will reference Michigan Department of Transportation and County Road Commission specifications.

3. **Preconstruction Meeting:** Upon award by the Village, we will coordinate and schedule a preconstruction meeting with the contractor, Village representatives, and applicable utility companies. The meeting will be an opportunity to verbally reinforce any special work items that are identified in the design. We will also review permit requirements, communication plans, and project schedules.

Moore+Bruggink understands the Village’s requirements for budgets and project financial planning. There are many project variables in establishing fees. However, we only charge for our time required by the project. Based on our experience in projects such as this and based on a typical project with good communication and detailed plans and specifications, we are providing a not-to-exceed budget for your use as follows:
Design Phase

- Design and Bid Package Preparation $3,610.00
- Miscellaneous (mileage, printing, etc.) $340.00

Total Design Engineering Cost: $3,950.00

For your reference, we have attached our level of effort breakdown for the design engineering for the project.

We estimate that the work described herein can commence within two weeks of your authorization to proceed. You can authorize this work to begin by signing our attached Proposal Authorization Form.

If construction engineering and inspection services are required, we can provide a cost for those services when the timeline for the project is established.

We look forward to being of service to you on this project. If you have any questions or concerns, please let me know.

Sincerely,

[Signature]
Ryan Arends, P.E.

Attachment

cc: Ms. Christine Burns, Village of Spring Lake
# Village of Spring Lake – Barber School and Clock Tower Parking Lot Resurfacing

<table>
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<tr>
<th>Task</th>
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<td><strong>Total Design Cost</strong></td>
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</table>
CONFIDENTIAL

Client Name: Village of Spring Lake ("Client") Date: July 30, 2020
Client Address: 102 West Savidge Street, Spring Lake, Michigan 49456

AUTHORIZATION FOR PROFESSIONAL SERVICES

Moore & Bruggink, Inc. ("M&B"), appreciates the opportunity to provide you with professional engineering and consulting services. It is our policy to receive this Authorization for Professional Services, with acknowledgment of the terms and conditions contained herein and in the attached Proposal (Exhibit A) prior to commencing services. We propose services to be performed for you for the project known as Barber School and Clock Tower Parking Lot Resurfacing ("Project"), located in the Village of Spring Lake, Michigan. The attached proposal is dated July 30, 2020.

NATURE OF ENGAGEMENT

Moore & Bruggink, Inc. (M&B) will provide all work as stated in the attached proposal at the fee quoted therein. There may be additional work to be performed either through change orders or unforeseen circumstances for which M&B will be compensated on an hourly basis.

TERMS AND CONDITIONS

Client Responsibility. The Client shall furnish all existing data pertinent to the Project and shall furnish any additional information when requested.

Hourly Billing Rates. Unless stipulated otherwise, CLIENT shall compensate M&B at hourly billing rates in effect when services are provided by M&B employees of various classifications. Rates are revised annually and you will be notified of the changes.

Reimbursable Expenses. Unless stipulated otherwise, Client shall compensate M&B for Reimbursable Expenses defined as those costs incurred on or directly for Client Project, including, but not limited to, government fees, necessary transportation costs (including mileage at M&B current rate for service vehicles and automobiles), meals and lodging, laboratory tests and analyses, computer services, special equipment services, postage and delivery charges, telephone and telefax charges, copying, printing and binding charges, and outside technical or professional services. Reimbursement for these expenses shall be on the basis of actual charges plus ten percent (10%) when furnished by outside sources and on the basis of usual commercial charges or separate rate schedules when furnished by M&B.

Cost Estimates. Cost estimates of other contractors' work will be on a basis of experience and judgment, but since it has no control over market condition or bidding procedures, M&B cannot warrant that bids or ultimate construction costs will not vary from these cost estimates.

Professional Standards. M&B shall be responsible to the generally-accepted standards of ordinary and reasonable skill and care usually exercised by other practicing professional engineers and surveyors at the time and location such services are rendered. No warranty, express or implied, is included or intended in its proposals, contracts, or reports.

Termination. Either Client or M&B may terminate this Authorization by giving ten (10) days' written notice to the other party. In such event, Client shall pay M&B in full for all work previously authorized and performed prior to the effective date of termination, plus (at the discretion of M&B) a termination charge to cover finalization of work necessary to bring ongoing work to a logical conclusion. Such charge shall not exceed thirty-three percent (33%) of all charges previously incurred. Upon receipt of such payment, M&B will return to Client all documents and information which are the property of Client.
Subcontractor. M&B may, in its sole discretion, engage subcontractors on behalf of Client to perform any portion of the services to be provided by M&B hereunder, and Client agrees that M&B shall not be responsible for, or in any manner guarantee, the performance of such subcontractors, nor shall M&B be liable for any negligent acts, errors, or omissions of any such subcontractor.

Payment to M&B. Invoices will be issued on a monthly basis or upon completion of the work product, whichever occurs sooner, payable upon receipt unless otherwise agreed. Interest of one-and-one-half percent (1.5%) per month (but not exceeding the maximum rate allowed by law) will be payable on all amounts not paid within thirty (30) days from date of invoices, payment thereafter to be applied first to accrued interest and then to the principal unpaid amount. Any attorney’s fees or other costs incurred in collecting any delinquent amount shall be paid by Client.

Client agrees to pay on a current basis, in addition to any proposal or contract fee understandings, all taxes including, but not limited to, sales taxes on services or related expenses which may be imposed on M&B by any government entity.

In addition to any other remedies M&B may have, M&B shall have the absolute right to cease performing any basic or additional services in the event payment has not been made on a current basis.

Hazardous Waste. M&B has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic irritant, pollutant, or otherwise dangerous substance or condition at any site, and its compensation hereunder is in no way commensurate with the potential risk of injury or loss that may be caused by exposure to such substances or conditions. M&B shall not be responsible for any alleged contamination, whether such contamination occurred in the past, is occurring presently, or will occur in the future, and the performance of engineering or surveying services hereunder does not imply risk-sharing on the part of M&B.

Limitation of Liability. To the fullest extent permitted by law, M&B’s total liability to Client or Client’s contractors for any cause or combination of causes, whether arising out of claims based upon contract, warranty, negligence, strict liability, or otherwise is, in the aggregate, limited to an amount no greater than the fee earned under this authorization. A higher limit of liability may be considered upon Client’s written request, prior to commencement of services, and agreement to pay an additional fee.

Indemnification. Client agrees to defend, indemnify, and hold M&B harmless from any claim, liability, or defense cost for injury or loss sustained by any part from exposures allegedly caused by M&B’s performance of services hereunder, except for injury or loss caused solely by the negligence or willful misconduct of M&B.

Legal Expenses. In the event of a claim by Client against M&B, at law or otherwise, for any alleged error, omission, or other act arising out or the performance of its services, and to the extent Client fails to prove such claim, then Client shall pay all costs, including attorney’s fees, incurred by M&B in defending itself against the claim.

Ownership of Work Product. M&B shall remain the owner of all drawings and reports, and Client shall be authorized to use the copies provided by M&B only in connection with the Project. Any use or reuse by Client or others for any purpose other than as outlined herein and in the attached Proposal shall be at Client’s risk and full legal responsibility, without liability to M&B.

MOORE & BRUGINK, INC.

Date: July 30, 2020 By: __________________________

Alan Pennington, P.E.

Its: Secretary-Treasurer

Acceptance of Proposal and Authorization for Professional Services

VILLAGE OF SPRING LAKE.

Date: __________________________ By: __________________________

Its: __________________________
INTERGOVERNMENTAL AGREEMENT
BETWEEN THE VILLAGE OF SPRING LAKE
AND CROCKERY TOWNSHIP

THIS INTERGOVERNMENTAL AGREEMENT is entered into between the Village of Spring Lake, of 102 West Savidge Street, Spring Lake, Michigan 49456 (the "Village"), and Crockery Township, of 17431 – 112th Avenue, Nunica, Michigan 49448 (the "Township") with reference to the following facts and circumstances.

A. Crockery Township has constructed Phase 2 of the North Bank Trail ("NBT") from 130th Avenue in Crockery Township to 112th Avenue in Nunica. The NBT connects to the East end of Lakeside Trail in the Village to the northern end of the Spoonville Trail (the "Project").

B. The Township has been awarded grants by the Michigan Department of Transportation ("MDOT") and the Michigan Department of Natural Resources ("MDNR") to assist in the construction of the Project. In order to qualify for the grants, the Township is required to contribute matching funds of approximately $500,000.00.

C. The Township is not eligible to receive a State Infrastructure Bank ("SIB") loan to finance the matching fund obligation because it does not receive Act 51 funding. The Village, however, receives such funding and therefore is able to apply for and receive an SIB loan pursuant to Section 350 of the National Highway System Designation Act of 1995. Accordingly, to facilitate the Project, the Township agrees to appoint the Village as its agent for purposes of applying for the SIB loan. As the Township’s agent, the Village has entered into an agreement with the Michigan Department of Transportation to secure an SIB loan in the amount of $500,000.00. These funds will be contributed by the Village to satisfy the Township’s obligation to provide matching funds for the Project.

D. The Township has agreed to repay the SIB loan pursuant to the agreement entered into between the Village and the Michigan Department of Transportation holding the Village harmless.

THEREFORE, THE VILLAGE AND THE TOWNSHIP, IN CONSIDERATION OF THE MUTUAL UNDERTAKINGS PROVIDED FOR IN THIS AGREEMENT, AGREE AS FOLLOWS:

1. To secure the matching funds that the Township is required to contribute for the Project, the Township hereby appoints the Village as its agent for purposes of entering into an agreement with the Michigan Department of Transportation to receive a loan in the amount of $500,000.00. The Village has executed the General Loan Contract attached hereto as Exhibit A and incorporated herein by reference to facilitate the loan (the "Contract").
2. The Township agrees to maintain Phase 2 of the NBT as required by the grant awarded by MDOT and to indemnify the Village against any claims for failure to maintain Phase 2 of the NBT.

3. The Township agrees to make the payments required by the Contract in the amount and according to the schedule incorporated into the Contract holding the Village harmless therefrom. The Township hereby commits the full faith and credit of the Township to satisfy the obligation.

4. Should the Township fail to make said payments in accordance with the Contract, and the Village is penalized pursuant to the provisions of the Contract, the Township will immediately take all steps necessary to remedy the default and to compensate the Village for any funds that it has had to pay or for which it is penalized as a result of the Township’s actions. This shall include any interest or penalties which may be assessed.

5. If the Township fails to remedy the default, the Village may institute legal proceedings to enforce this Agreement. If legal action is necessary, and the Village is successful in the litigation, the Township shall be responsible for all legal costs, including actual attorney fees, which were incurred by the Village to secure the repayment of the loan.

6. This Agreement shall inure to the benefit of and be binding upon the parties and their respective heirs, personal representatives, members, assigns, and successors. All notices and other documents to be served or transmitted shall be in writing and addressed to the respective parties at the addresses stated on page 1 of this Agreement or such other address or addresses as shall be specified by the parties from time to time, and may be served or transmitted in person or by ordinary or certified mail properly addressed with sufficient postage. This Agreement has been executed in the State of Michigan and shall be governed by Michigan law. The waiver by any party of a breach or violation of any provision of this Agreement shall not be a waiver of any subsequent breach or violation of the same or any other provision of this Agreement. If any section or provision of this Agreement is unenforceable for any reason, the unenforceability shall not impair the remainder of this Agreement which shall remain in full force and effect. This Agreement represents the entire understanding and agreement between parties, and all prior understandings and agreements are specifically merged in this Agreement. The captions in this Agreement are for convenience only and shall not be considered as part of this Agreement or in any way amplifying or modifying its terms and provisions.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates indicated below.
Exhibit A
This General Loan Contract (CONTRACT) is made and entered into this date of March 26, 2019 by and between the Michigan Department of Transportation (MDOT), with principal offices located at 425 West Ottawa Street, Lansing, Michigan 48913, and the Village of Spring Lake (RECIPIENT), with offices located at 102 W. Savidge St., Spring Lake, Michigan 49456.

Section 1. PURPOSE

The purpose of this CONTRACT is to assist the RECIPIENT in financing transportation infrastructure improvements through the North Bank Trail project, Phase 2A and 2C (PROJECT), as more specifically identified in the RECIPIENT’s loan application, dated November 7, 2018 attached hereto and made a part hereof as Exhibit A. Such assistance will be provided by MDOT in the form of a State Infrastructure Bank (SIB) loan, pursuant to Section 350 of the National Highway System Designation Act of 1995. Funds will be used for pre-approved purposes only. MDOT has the discretion and the authority to recall, freeze, or limit disbursement of any funds or a portion thereof if the purpose or manner of expenditure by the RECIPIENT is inconsistent with this CONTRACT and/or with federal or state laws, rules, or policies.

Section 2. PROJECT UNDERTAKING AND COMPLETION

The RECIPIENT will undertake and complete the PROJECT activities described in the RECIPIENT’s loan application, attached hereto as Exhibit A. The RECIPIENT will complete the PROJECT by the PROJECT completion date set forth in Exhibit B, attached hereto and made a part hereof.

Within sixty (60) days after the completion of the PROJECT, the RECIPIENT will file a final PROJECT accounting with the SIB Administrator. The SIB Administrator will review the progress reports to verify that loan proceeds were utilized in accordance with PROJECT requirements.

Section 3. TERM

This CONTRACT will be in effect from the date of award through December 31, 2026.

Section 4. PROJECT FUNDING

MDOT will loan the RECIPIENT Five Hundred Thousand Dollars ($500,000.00). The parties acknowledge that such loan amount consists of SIB monies that have been
appropriated by the Congress of the United States or by the state legislature for MDOT administration to qualifying sponsors for qualifying projects and that such funds are subject to applicable federal and state laws, rules, and policies.

Disbursement of the loan funds by MDOT to the RECIPIENT will be for the PROJECT costs set forth in the attached Exhibit B (Project's Authorized Budget) and will be made in the manner and method prescribed by MDOT.

MDOT funds in this CONTRACT made available through legislative appropriations are based on projected revenue estimates. MDOT may reduce the amount of this CONTRACT if the revenue actually received is insufficient to support the appropriation under which this CONTRACT is made.

Section 5. REPAYMENT OF LOAN

The loan will be repaid in accordance with the following provisions:

a. The RECIPIENT will pay MDOT, at a minimum, payments according to the amortization schedule in Exhibit B until the entire loan amount of Five Hundred Thousand Dollars ($500,000.00) is paid in full, including interest at the rate of three and one quarter percent (3.25%). In the event that any payment remains unpaid for thirty (30) days after it is due, all sums unpaid under this CONTRACT will, at the option of MDOT, become due and payable at once.

b. If the RECIPIENT fails to make any of its required payments when they are due, MDOT will immediately notify the RECIPIENT and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of such default and of the amount thereof, and if such default is not corrected by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the RECIPIENT from the Michigan Transportation Fund sufficient monies to remove the default and to credit the RECIPIENT with payment thereof and to notify the RECIPIENT in writing of such fact.

c. If the RECIPIENT does not receive monies from the Michigan Transportation Fund, or if those monies are inadequate to remove the default, the RECIPIENT agrees to assign to MDOT, to the full extent permitted under law, all payments the RECIPIENT is eligible to receive under 1971 PA 140, as amended (Distributable Aid), as security for the RECIPIENT’s obligations under this CONTRACT.

d. The RECIPIENT agrees that if it fails to repay money or perform in compliance with the terms and conditions of this CONTRACT, the Treasurer of the State of Michigan is authorized and directed by the RECIPIENT to pay Distributable Aid to MDOT in an amount sufficient to pay the RECIPIENT’s obligation to MDOT or up to the full amount of Distributable Aid.

e. The RECIPIENT agrees that the costs reported to MDOT for this CONTRACT will represent only those items that are properly chargeable in accordance with
this CONTRACT. The RECIPIENT also certifies that it has read the CONTRACT terms and has made itself aware of the applicable laws, regulations, and terms of this CONTRACT that apply to the reporting of costs incurred under the terms of this CONTRACT.

Section 6. ADMINISTRATION

a. All reports, approvals, and correspondence from the RECIPIENT to MDOT will be sent to the SIB Administrator at the following address: SIB Administrator, State Infrastructure Bank Program, Michigan Department of Transportation, Office of Economic Development, 425 West Ottawa Street, P.O. Box 30050, Lansing, Michigan 48909.

b. Correspondence from MDOT to the RECIPIENT will be sent to the address noted in the first paragraph of this CONTRACT.

c. The RECIPIENT will secure the written approval of the SIB Administrator for all PROJECT modifications, including, but not limited to, the following:

i. All changes of substance to the PROJECT activities identified in Exhibit A, including new activities or changes to existing approved activities.

ii. All extensions of time for performance under this CONTRACT.

iii. Cumulative changes among approved SIB-funded items that exceed the lesser of Ten Thousand Dollars ($10,000.00) or five percent (5%) of the SIB loan amount.

PROJECT modification requests made by the RECIPIENT must be submitted in writing to the SIB Administrator by an authorized official of the RECIPIENT. Approval of PROJECT modification requests by MDOT will be in writing and will be signed by the SIB Administrator.

d. Any change in the term of this CONTRACT, as set forth in Section 3, the terms of the loan, or the amount of the loan, as set forth in Section 4, will only be by award of a prior written amendment to this CONTRACT by the parties.

Section 7. COMPLIANCE WITH LAWS

a. The RECIPIENT will, in the performance of this CONTRACT, comply with and require its contractors and subcontractors to comply with all applicable federal, state, and local statutes, ordinances, and regulations and will obtain or have its contractors and subcontractors obtain all permits that are applicable to the entry into and performance of this CONTRACT.

b. This CONTRACT will be interpreted, construed, and enforced in accordance with the laws of the State of Michigan.
c. By signing this CONTRACT, the RECIPIENT certifies that it has obtained or will obtain all necessary environmental protection permits and clearances prior to beginning the PROJECT.

Section 8. RECORD-KEEPING AND AUDIT

a. The RECIPIENT will establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this CONTRACT (RECORDS). Separate accounts will be established and maintained for all costs incurred under this CONTRACT.

b. The RECIPIENT will maintain the RECORDS for at least three (3) years from the date of final payment made by the RECIPIENT under this CONTRACT. In the event of a dispute with regard to the allowable expenses or any other issue under this CONTRACT, the RECIPIENT will thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

c. MDOT or its representative may inspect, copy, scan, or audit the RECORDS at any reasonable time after giving reasonable notice.

d. If any part of the work is subcontracted, the RECIPIENT will assure compliance with subsections (a), (b), (c), and (d) above for all subcontracted work.

Section 9. AUDIT AND REPAYMENT

In the event that an audit performed by or on behalf of MDOT indicates an adjustment to the costs reported under this CONTRACT or questions the allowability of an item of expense, MDOT will promptly submit to the RECIPIENT a Notice of Audit Results and a copy of the audit report, which may supplement or modify any tentative findings verbally communicated to the RECIPIENT at the completion of an audit.

Within sixty (60) days after the date of Notice of Audit Results, the RECIPIENT will (a) respond in writing to the responsible Bureau of MDOT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense, and (c) submit to MDOT a written explanation as to any questioned or no opinion expressed item of expense (RESPONSE). The RESPONSE will be clearly stated and will provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the RECIPIENT may supply appropriate excerpts and make alternate arrangements to conveniently and reasonable make that documentation available for review by MDOT. The RESPONSE will refer to and apply the language of the CONTRACT. The RECIPIENT agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes MDOT to finally disallow any items of questioned or no opinion expressed cost.
Section 10. DEFAULT AND TERMINATION

In the event that any of the following occurs, MDOT may consider the RECIPIENT to be in default with respect to this CONTRACT:

a. The RECIPIENT misrepresents any documentation or information provided to MDOT to secure SIB financing.

b. The RECIPIENT fails to perform the PROJECT as described in Exhibit A.

c. The RECIPIENT fails to make a payment of any installment of principal and/or interest under this CONTRACT or fails to make a due payment of any other debt or obligation now or later owed by the RECIPIENT to MDOT.

d. The RECIPIENT defaults in the performance of any other obligation to MDOT under this CONTRACT.

e. The RECIPIENT becomes insolvent or makes an assignment for the benefit of creditors.

f. Any guarantee or pledge made by the RECIPIENT that now or later secures payment for any or all indebtedness arising from this CONTRACT becomes terminated or limited for any reason without the prior written consent or agreement of MDOT.

g. At any time MDOT has good faith cause to believe that the prospect of payment from or performance by the RECIPIENT under this CONTRACT is impaired.
In the event that the RECIPIENT fails to comply with the provisions of this CONTRACT, including the default provisions herein, and such noncompliance by the RECIPIENT continues for a period of ten (10) days after written notification of such noncompliance without an effort by the RECIPIENT to begin to diligently pursue remedies for such noncompliance, MDOT will have the right, at its option and notwithstanding any waiver by MDOT or any prior noncompliance, to demand the immediate return of the full outstanding balance of SIB monies and to terminate this CONTRACT.

The exercise of such right by MDOT will not impair any other rights of MDOT under this CONTRACT or any rights of action against the RECIPIENT for the collection of remaining monies due MDOT and/or the recovery of damages.

Section 11. CONTRACTUAL OBLIGATIONS

Both parties will make reasonable efforts to satisfy promptly their surviving obligations to each other as necessary to complete their contractual relationships after expiration or termination of this CONTRACT. This provision does not create or confer any rights upon any person or entity not a party to this CONTRACT.

Section 12. INDEMNIFY AND SAVE HARMLESS

In addition to the protection afforded by any policy of insurance, the RECIPIENT agrees to indemnify, defend, and save harmless the State of Michigan, the Michigan State Transportation Commission, MDOT, the FHWA, and all officers, agents, and employees thereof:

a. From any and all claims by persons, firms, or corporations for labor, services, materials, or supplies provided to the RECIPIENT in connection with the RECIPIENT's performance of the PROJECT; and

b. From any and all claims for injuries to or death of any and all persons, for loss of or damage to property, for environmental damage, degradation, and response and cleanup costs, and for attorney fees and related costs arising out of, under, or by reason of the RECIPIENT's performance of the PROJECT under this CONTRACT, except claims resulting from the sole negligence or willful acts or omissions of said indemnitee, its agents, or its employees.

MDOT will not be subject to any obligations or liabilities by vendors or contractors of the RECIPIENT or their subcontractors or any other person not a party to this CONTRACT without its specific consent and notwithstanding its concurrence with or approval of the award of any contract or subcontract or the solicitation thereof. Any work performed for the RECIPIENT by a contractor or subcontractor will be solely as a contractor for the RECIPIENT and not as a contractor or agent of MDOT. Any claims by any contractor or subcontractor will be the sole responsibility of the RECIPIENT.

It is expressly understood and agreed that the RECIPIENT will take no action or conduct that arises either directly or indirectly out of its obligations, responsibilities, and duties under this CONTRACT that results in claims being asserted against or judgments being
imposed against the State of Michigan, the Michigan State Transportation Commission, MDOT, and/or the FHWA, as applicable.

In the event that the same occurs, it will be considered as a breach of this CONTRACT, thereby giving the State of Michigan, the Michigan State Transportation Commission, MDOT, and/or the FHWA, as applicable, a right to seek and obtain any necessary relief or remedy, including, but not limited to, a judgment for money damages.

Section 13. LOCAL AGENCY COST PARTICIPATION CONTRACT

MDOT and the RECIPIENT agree that, with respect to an SIB-financed road improvement project, the RECIPIENT will enter into a Local Agency Cost Participation Contract consisting of Part I and Part II (Standard Agreement Provisions) with MDOT prior to the disbursement of federal loan funds. MDOT’s sole reason for entering into a Local Agency Cost Participation Contract is to enable the RECIPIENT to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Section 14. NOTICES

All notices required hereunder will be in writing and will be deemed to have been duly given if personally delivered or sent by certified mail, return receipt requested, postage paid, or by telegram addressed as shown below, or by confirmed facsimile machine message, unless notified differently in writing by the other party.

If to MDOT:

Director, Michigan Department of Transportation
425 West Ottawa Street
P.O. Box 30050
Lansing, Michigan 48909

With a copy to the Administrator of MDOT’s SIB program at the address set forth above for the Director.

If to the RECIPIENT:

Village of Spring Lake
Marvin Hinga
102 W. Savidge Street
Spring Lake, Michigan 49456

Section 15. CAPTIONS

The captions used in this CONTRACT are for convenience and identification purposes only and do not form a part of this CONTRACT.

Section 16. SEVERABILITY
If any term, covenant, condition, or provision (or any part thereof) of this CONTRACT or the application thereof to any party or circumstance will at any time or to any extent be held to be invalid or unenforceable, the remainder of this CONTRACT or the application of such term or provision (or remainder thereof) to parties or circumstances other than those to which it is held to be invalid or unenforceable will not be affected thereby, and each term, covenant, condition, and provision of this CONTRACT will be valid and will be enforced to the fullest extent permitted by law.

Section 17. ASSIGNMENT

This CONTRACT may not be assigned without the express prior written approval of the non-assigning party, which approval will not be unreasonably withheld.

Section 18. PROMPT PAYMENT

The RECIPIENT agrees to pay each subcontractor for the satisfactory completion of work associated with the subcontract no later than ten (10) calendar days from the receipt of each payment the RECIPIENT receives from MDOT. This requirement is also applicable to all sub-tier subcontractors and will be made a part of all subcontract agreements.

This prompt payment provision is a requirement of 49 CFR Part 26, as amended, and does not confer third-party beneficiary right or other direct right to a subcontractor against MDOT. This provision applies to both Disadvantaged Business Enterprise (DBE) and non-DBE subcontractors.

The RECIPIENT further agrees that it will comply with 49 CFR Part 26, as amended, and will report any and all DBE subcontractor payments to MDOT semi-annually in the format set forth in Appendix G, dated September 2015, attached hereto and made a part hereof, or any other format acceptable to MDOT.

Section 19. PROHIBITION OF DISCRIMINATION

a. In connection with the performance of the PROJECT under this CONTRACT, the RECIPIENT (hereinafter in Appendix A referred to as the “contractor”) agrees to comply with the State of Michigan provisions for “Prohibition of Discrimination in State Contracts,” as set forth in Appendix A, dated June 2011, attached hereto and made a part hereof. This provision will be included in all subcontracts relating to this CONTRACT.

b. During the performance of this CONTRACT, the RECIPIENT, for itself, its assignees, and its successors in interest (hereinafter in Appendix B referred to as the “contractor”) agrees to comply with the Civil Rights Act of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being 42 USC Sections 1971, 1975a-1975d, and 2000a-2000h-6, and the Regulations of the Department of Transportation (49 CFR Part 21) issued pursuant to said Act, including Appendix B, dated June 2011, attached hereto and made a part hereof. This provision will be included in all subcontracts related to this CONTRACT.
Section 20. UNFAIR LABOR PRACTICES

In accordance with 1980 PA 278, MCL 423.321 et seq., the RECIPIENT, in the performance of this CONTRACT, will not enter into a contract with a contractor, manufacturer, or supplier listed in the register maintained by the United States Department of Labor of employers who have been found in contempt of court by the federal court of appeals on not less than three (3) occasions involving different violations during the preceding seven (7) years for failure to correct an unfair labor practice, as prohibited by Section 8 of Chapter 372 of the National Labor Relations Act, 29 USC 158. MDOT may void this CONTRACT if the name of the RECIPIENT or the name of a subcontractor, manufacturer, or supplier utilized by the RECIPIENT in the performance of this CONTRACT subsequently appears in the register during the performance period of this CONTRACT.

Section 21. AMERICANS WITH DISABILITIES

The RECIPIENT agrees that no otherwise qualified individuals with disabilities in the United States, as defined in the Americans with Disabilities Act, 42 USC 12101 et seq., as amended, and regulations in implementation thereof (29 CFR Part 1630), will, solely by reason of their disabilities, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving benefits under this CONTRACT.

Section 22. ASSIGNMENT OF ANTITRUST RIGHTS

With regard to claims based on goods or services that were used to meet the RECIPIENT’s obligation to MDOT under this CONTRACT, the RECIPIENT hereby irrevocably assigns its right to pursue any claims for relief or causes of action for damages sustained by the State of Michigan or MDOT due to any violation of 15 USC, Sections 1 - 15, and/or 1984 PA 274, MCL 445.771 - 445.788, excluding Section 4a, to the State of Michigan or MDOT.

The RECIPIENT shall require any subcontractors to irrevocably assign their rights to pursue any claims for relief or causes of action for damages sustained by the State of Michigan or MDOT with regard to claims based on goods or services that were used to meet the RECIPIENT’s obligation to MDOT under this CONTRACT due to any violation of 15 USC, Sections 1 - 15, and/or 1984 PA 274, MCL 445.771 - 445.788, excluding Section 4a, to the State of Michigan or MDOT as a third-party beneficiary.

The RECIPIENT shall notify MDOT if it becomes aware that an antitrust violation with regard to claims based on goods or services that were used to meet the RECIPIENT’s obligation to MDOT under this CONTRACT may have occurred or is threatened to occur. The RECIPIENT shall also notify MDOT if it becomes aware of any person’s intent to commence, or of commencement of, an antitrust action with regard to claims based on goods or services that were used to meet the RECIPIENT’s obligation to MDOT under this CONTRACT.

Section 23. AWARD CONTINGENCY
Award of this CONTRACT will be contingent upon the RECIPIENT providing MDOT with a duly adopted resolution authorizing a representative of the RECIPIENT to award this CONTRACT and undertake the PROJECT.

Section 24. DISCREPANCIES

In case of any discrepancy between the provisions of this CONTRACT, including the attached exhibits, and those of any previous contract, offer, bid, or other document, the provisions of this CONTRACT will govern. In case of any discrepancy between the body of this CONTRACT and any exhibit hereto, the body of the CONTRACT will govern.

Section 25. AWARD

This CONTRACT will become binding on the parties and of full force and effect upon signing by the duly authorized representatives of the RECIPIENT and MDOT and upon adoption of a resolution approving said CONTRACT and approving the signature(s) thereto of the respective representative(s) of the RECIPIENT, a certified copy of which resolution will be sent to MDOT with this CONTRACT, as applicable.

VILLAGE OF SPRING LAKE

By: [Signature] MARVIN HINDA
Title: CLERK/CHIEF FINANCIAL OFFICER

MICHIGAN DEPARTMENT OF TRANSPORTATION

By: [Signature] LAURA J. MAYEY
Title: MDOT DIRECTOR

APPROVED
Michigan State
Transportation Commission
1/17/19

APPROVED
State
Administrative Board
1/22/19
# Michigan Department of Transportation

## STATE INFRASTRUCTURE BANK

### INITIAL PROJECT APPLICATION

Information required by Michigan Department of Transportation, by authority of the National Highway System Designation Act of 1995, to apply for funding. MDOT 1784 (6/02)

---

### INSTRUCTIONS - Page 2

1. **APPLICANT AGENCY**
   - [ ] MDOT
   - [ ] Economic Development Corp.
   - [ ] Airport/Port Authority
   - [ ] State or Regional Government
   - [ ] County Road Commission
   - [ ] Transit Agency
   - [X] Other (Specify): Village

2. **APPLICANT NAME**
   - Village of Spring Lake

3. **PROJECT NAME**
   - NORTH BANK TRAIL - PHASES 2A AND 2C

4. **APPLICANT MAILING ADDRESS**
   - 102 W. Savidge

5. **CONTACT PERSON**
   - Marvin Hinga

6. **ROUTE NAME/FACILITY**
   - North Bank Trail

7. **TYPE OF PROJECT**
   - [X] Non-Motorized Pathway

8. **IS THIS PROJECT ELIGIBLE FOR FEDERAL AID?**
   - [X] Yes

9. **PROJECT DESCRIPTION**
   - Project includes 14,030 linear feet (2.66 miles) of 10 feet wide non-motorized HMA trail and all related work.

---

10. **PROJECT BENEFITS**
    - This project will connect existing sections of the north bank trail to provide users with a safe, continuous, non-motorized route from the Village of Spring Lake to the Village of Nunica in Crockery Township.

11. **RISK ASSESSMENT**
    - The project will be delayed eight years until Crockery Township could accumulate enough funds from its Pathways Millage to provide the required local match.

12. **DOES THE PROJECT HAVE THE SUPPORT OF THE LOCAL GOVERNMENT UNIT(S) THAT ARE IMPACTED BY THE PROJECT?**
    - [X] Yes

13. **DOES THE PROJECT HAVE THE SUPPORT OF THE TRANSPORTATION AGENCY (e.g. County Road Commission, City Street Administration, Local Transit Agency, etc.) WITH JURISDICTION OVER THE FACILITY?**
    - [X] Yes

14. **IS THE PROJECT WITHIN A METROPOLITAN PLANNING ORGANIZATION (MPO) BOUNDARY?**
    - [X] Yes

---

15. **IS THE PROJECT ON A STATE HIGHWAY TRUNKLINE?**
    - [X] Yes

---

1. **CROCKERY TOWNSHIP - PHASE 2B - 130TH AVE EAST TO 120TH AVE; PHASE 2C - MURPHY ST. EAST TO 112TH AVE**

   **MDOT REGION**
   - Grand Region

   **COUNTY**
   - Ottawa

   **CITY/VILLAGE/TWP.**
   - Crockery Township

---

**E-MAIL ADDRESS**

marv@springlakevillage.org

---

**PROJECT ZIP CODE**

49448

---

**DATE SUBMITTED**

11/07/18

---

**PHONE NO**

(616) 842-1393

---

**ZIP CODE**

49456
15. PROJECT STATUS (Please explain current status of the project, e.g. planning, design, project start and completion dates.)

Project engineering is complete.

<table>
<thead>
<tr>
<th>ESTIMATE PROJECT CONSTRUCTION TIMELINE</th>
<th>START DATE</th>
<th>END DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>03/01/19</td>
<td>09/30/19</td>
</tr>
</tbody>
</table>

16. TOTAL PROJECT COST

| SIB LOAN AMOUNT REQUESTED | $500,000.00 |

17. PROPOSED PROJECT FINANCING SOURCES (Do not include SIB Repayment Source)

| STATE INFRASTRUCTURE BANK | $ 500,000.00 |
| FEDERAL AID | $ |
| ACT 51 FUNDS | $ |
| ASSESSMENTS | $ |
| USER PAYMENTS/FEES | $ |
| LOCAL FUNDS | $ 44,615.00 |
| OTHER (Specify): MDOT TAP GRANT, DNR Grants | $ 1,445,200.00 |

18. TYPE OF FINANCING ASSISTANCE REQUESTED

- [ ] Loan
- [ ] Credit Enhancement

19. REPAYMENT TERMS REQUESTED

- 8 years

20. REPAYMENT SOURCE FOR SIB LOAN

Crockery Township Non-Motorized Trail Millage ($71,981/year over 8 years). Loan based on 8-yr term @ 3.25% per annum.

21. PROPOSED SECURITY / COLLATERAL

CROCKERY TOWNSHIP NON-MOTORIZED TRAIL MILLAGE, AND THE FULL FAITH AND CREDIT OF CROCKERY TOWNSHIP

22. ARE YOU AN ACT 51 AGENCY?

- [ ] Yes
- [x] No

If yes, what is your annual Act 51 allocation? $230,000.00

23. CHECK ALL OF THE FOLLOWING ITEMS THAT ARE ATTACHED:

- [x] ATTACHMENT A - Description of Proposed Project
- [x] ATTACHMENT B - Benefits of Proposed Project

24. SIGNATURE

Marvin Henga

TITLE: Clerk/Treasurer

DATE: 11/07/18

Completed Initial Project Application and all applicable attachments may be submitted for initiation of the SIB review process to:

State Infrastructure Bank
Michigan Department of Transportation
Office Of Economic Development
Van Wagoner Building
425 W. Ottawa Street
P.O. Box 30050
Lansing, Michigan 48909
(517) 373-2687 fax

SIB Coordinators:
Jessica Pierce
(517) 241-0185
piercej3@michigan.gov

Tyler Belisle
(517) 241-4960
BelisleT@michigan.gov
ATTACHMENT A: DESCRIPTION OF PROPOSED PROJECT

In your description, include an explanation of the problem that this project is designed to address. Please include a map. Attach additional pages if necessary.

This project has two phases. Currently, the North Bank Trail, extending east from Spring Lake, terminates at 130th Avenue. Phase 2A would begin at 130th Avenue and would follow within existing right-of-way and proposed and existing easements, Crockery Township-owned property, and Ottawa County Road Commission (OCRC) Right-of-way (R.O.W.), and MDOT-owned property to the East towards 120th Avenue. At 120th Avenue, Phase 2A would connect to the North Bank Trail Phase 2B section that was completed in the Fall of 2016 that extends under the I-96 underpass at 120th Avenue.

The second phase of this project, Phase 2C would connect to the East end of the recently completed Phase 2B section and extend easterly along Murphy Street on a combination of easements and OCRC Right-of-way towards 116th Avenue. The trail would cross 116th Avenue and continue easterly within easements over property owned by Consumers Energy and Verizon Wireless towards Apple Avenue. The trail would cross Apple Avenue and continue easterly on Crockery Township-owned property towards 112th Avenue. Phase 2C crosses 112th Avenue and heads north along 112th Avenue R.O.W. to the intersection of 112th Avenue and Cass St. The trail then heads East within Cass St. R.O.W. then crosses Cass St. and heads north in public R.O.W. where it terminates at land owned by Crockery township South of Plews St., where a trailhead is proposed.

This project would connect previously constructed sections of the North Bank Trail to provide users with a safe, continuous, non-motorized route from the Village of Spring Lake to the Village of Nunica in Crockery Township. In addition, the completed trail would connect with the Spoonville Trail in Nunica.
ATTACHMENT B: BENEFITS OF PROPOSED PROJECT

Discuss how SIB financing will help attract new public/private investment, reduce project costs and accelerate project completion. Identify other project benefits, e.g. access, mobility, economic, preservation, environmental. Attach additional pages if necessary.

SIB financing would allow both phases of this project to be completed at the same time. This will reduce design and administrative costs that come with two separate projects.

Without SIB financing, Crockery Township would need to wait years for the non-motorized trail millage to raise enough money for the local match portion of this project. SIB financing allows the township to get the project done faster.

This project would provide the citizens of Crockery Township and the surrounding communities with a continuous, safe non-motorized route from the Village of Spring Lake to the Village of Nunica in Crockery Township. Currently, non-motorized users are routed onto high speed roadways (either M-104 or State Road) to travel between these communities.
### State Infrastructure Bank Loan Program

**Project Authorized Budget**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Project Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Bank Trail - Phases 2A and 2C</td>
<td>Village of Spring Lake</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Project Start Date</th>
<th>Project Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Village of Spring Lake</td>
<td>3/1/19</td>
<td>9/30/19</td>
</tr>
</tbody>
</table>

**Total Project Costs:** $1,989,815.00

**SIB Loan Amount:** $500,000.00

**Project Financing Sources**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Infrastructure Bank</td>
<td>500,000.00</td>
</tr>
<tr>
<td>Federal Aid</td>
<td></td>
</tr>
<tr>
<td>ACT 51 Funds</td>
<td></td>
</tr>
<tr>
<td>Assessments</td>
<td></td>
</tr>
<tr>
<td>User Payments/Fees</td>
<td></td>
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<tr>
<td>Local Funds</td>
<td>44,615.00</td>
</tr>
<tr>
<td>Other (Specify) MDOT TAP Grant, DNR Grant</td>
<td>1,445,200.00</td>
</tr>
</tbody>
</table>

**Total:** 1,989,815.00

**Project Description**

This project will connect existing sections of the North Bank Trail in the Village of Spring Lake to the Spoonville Trail in the Village of Nunica in Crockery Township.

**Repayment Source for SIB Loan**

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crockery Township Non-Motorized Trail Millage ($71,981.32/year)</td>
<td>500,000.00</td>
</tr>
</tbody>
</table>

**Total:** 500,000.00

**Loan Disbursement Schedule:** $500,000.00 UPON EXECUTION OF THIS CONTRACT.

**Loan Repayment Schedule:** 1 annual payment of $71,981.32 FOR 8 YEARS COMMENCING ONE YEAR AFTER DISBURSEMENT OF LOAN.
# State Infrastructure Bank Loan Amortization

**Village of Spring Lake**  
**Loaned from: 2116 Pays to Fund: 2116**

<table>
<thead>
<tr>
<th>Date Due</th>
<th>Payment Amount</th>
<th>@X months</th>
<th>Interest Calculation</th>
<th>Principal Amount</th>
<th>Principal Balance</th>
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<tr>
<td>03-Dec-18</td>
<td>575,850.52</td>
<td>8</td>
<td>75,850.52</td>
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<tr>
<td>03-Dec-19</td>
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<td>16,250.00</td>
<td>55,731.32</td>
<td>444,268.68</td>
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<tr>
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<td>14,438.73</td>
<td>57,542.59</td>
<td>386,726.09</td>
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<td>12,568.60</td>
<td>59,412.72</td>
<td>327,313.37</td>
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<td>10,637.68</td>
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<td>2,265.75</td>
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APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Public Act 453 of 1976 (Elliott-Larsen Civil Rights Act), the contractor shall not discriminate against an employee or applicant for employment with respect to hire, tenure, treatment, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status. A breach of this covenant will be regarded as a material breach of this contract. Further, in accordance with Public Act 220 of 1976 (Persons with Disabilities Civil Rights Act), as amended by Public Act 478 of 1980, the contractor shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment or a matter directly or indirectly related to employment because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants will be regarded as a material breach of this contract.

2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.

3. The contractor will take affirmative action to ensure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status, or any disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment; treatment; upgrading; demotion or transfer; recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

4. The contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status, or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

5. The contractor or its collective bargaining representative shall send to each labor union or representative of workers with which the contractor has a collective bargaining agreement or other contract or understanding a notice advising such labor union or workers' representative of the contractor's commitments under this Appendix.

6. The contractor shall comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission that may be in effect prior to the taking of bids for any individual state project.
7. The contractor shall furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission; said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor, as well as the contractor itself, and said contractor shall permit access to the contractor's books, records, and accounts by the Michigan Civil Rights Commission and/or its agent for the purposes of investigation to ascertain compliance under this contract and relevant rules, regulations, and orders of the Michigan Civil Rights Commission.

8. In the event that the Michigan Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this contract, the Michigan Civil Rights Commission may, as a part of its order based upon such findings, certify said findings to the State Administrative Board of the State of Michigan, which State Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, including the governing boards of institutions of higher education, until the contractor complies with said order of the Michigan Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Michigan Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Michigan Civil Rights Commission to participate in such proceedings.

9. The contractor shall include or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Michigan Civil Rights Commission; all subcontracts and purchase orders will also state that said provisions will be binding upon each subcontractor or supplier.

Revised June 2011
During the performance of this contract, the contractor, for itself, its assignees, and its successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** For all federally assisted programs, the contractor shall comply with the nondiscrimination regulations set forth in 49 CFR Part 21, as may be amended from time to time (hereinafter referred to as the Regulations). Such Regulations are incorporated herein by reference and made a part of this contract.

2. **Nondiscrimination:** The contractor, with regard to the work performed under the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the contractor covers a program set forth in Appendix B of the Regulations.

3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** All solicitations made by the contractor, either by competitive bidding or by negotiation for subcontract work, including procurement of materials or leases of equipment, must include a notification to each potential subcontractor or supplier of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and facilities as may be determined to be pertinent by the Department or the United States Department of Transportation (USDOT) in order to ascertain compliance with such Regulations or directives. If required information concerning the contractor is in the exclusive possession of another who fails or refuses to furnish the required information, the contractor shall certify to the Department or the USDOT, as appropriate, and shall set forth the efforts that it made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the nondiscrimination provisions of this contract, the Department shall impose such contract sanctions as it or the USDOT may determine to be appropriate, including, but not limited to, the following:

   a. Withholding payments to the contractor until the contractor complies; and/or

   b. Canceling, terminating, or suspending the contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor shall include the provisions of Sections (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department or the USDOT may direct as a means of enforcing such provisions, including sanctions for non-compliance, provided, however, that in the event a contractor becomes involved in or is threatened with litigation from a subcontractor or supplier as a result of such direction, the contractor may request the Department to enter into such litigation to protect the interests of the state. In addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

**Revised June 2011**
APPENDIX C
Assurances that Recipients and Contractors Must Make
(Excerpts from US DOT Regulation 49 CFR § 26.13)

A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.
Prime Consultant Statement of DBE Sub-Consultant Payments

Information required in accordance with 49 CFR §26.37 to monitor progress of the prime consultant in meeting contractual obligations to DBEs.

<table>
<thead>
<tr>
<th>CERTIFIED DBE SUBCONSULTANT</th>
<th>SERVICES WORK PERFORMED</th>
<th>TOTAL CONTRACT AMOUNT</th>
<th>CUMULATIVE DOLLAR VALUE OF SERVICES COMPETED</th>
<th>DEDUCTIONS</th>
<th>ACTUAL AMOUNT PAID TO DATE</th>
<th>ACTUAL AMOUNT PAID DURING THIS REPORTING PERIOD</th>
<th>DBE AUTHORIZED SIGNATURE (Final Payment Report Only)</th>
<th>DATE</th>
</tr>
</thead>
</table>

As the authorized representative of the above prime consultant, I state that, to the best of my knowledge, this information is true and accurate.

PRIME CONSULTANT'S AUTHORIZED REPRESENTATIVE (signature)  TITLE  DATE

COMMENTS:

SPECIAL NOTE: “Prime Consultant or Authorized Representative” refers to recipients of federal funds as defined at 49 Code of Federal Regulations Part 26
INSTRUCTIONS

PRIME CONSULTANT OR AUTHORIZED REPRESENTATIVE:

This statement reports the actual dollar amounts of the project cost earned by and paid to DBE subconsultants. Complete and submit to the Payment Analyst with each billing and within 20 days of receipt of final payment. Some forms may be blank if no payment was made since the previous billing.

For "Contract No., Authorization No.," and "Job No." as appropriate, use the numbers assigned by MDOT.

For "Period Covered," report the calendar days covered by the billing.

For "Services Work Performed" report the main service performed by the subconsultant during the reporting period.

For "Total Contract Amount" report the total amount of the contract between the prime consultant and the subconsultant.

For "Cumulative Dollar Value of Services Completed" report the total amount the subconsultant has earned since beginning this project.

For "Deductions," report deductions made by the prime consultant to the subconsultant's "Cumulative Dollar Value of Services Completed" for retainage, bond or other fees, materials, services or equipment provided to the subconsultant according to mutual, prior agreement (documentation of such agreement may be required by MOOT).

For "Actual Amount Paid to Date," report cumulative actual payments made to the subconsultant for services completed.

For "Actual Amount Paid During this Report Period" report actual payments made to the subcontractor for services during this reporting period.

"Provide "DBE Authorized Signature" for final payment only.

Be sure to sign, title and date this statement.

MDOT PAYMENT ANALYST:

Complete "Comments" if necessary, sign date and forward to the Office of Business Development within seven (7) days of receipt.

MDOT Office of Business Development
P.O. Box 30050
Lansing, Michigan 48909
Questions about this form? Call Toll-free, 1-866-DBE-1264
RESOLUTION TO PURCHASE, ACQUIRE AND CONSTRUCT IMPROVEMENTS TO THE SANITARY SEWER SYSTEM AND TO PUBLISH NOTICE OF INTENT TO ISSUE REVENUE BONDS

Minutes of a regular meeting of the Village Council of the Village of Spring Lake, Ottawa County, Michigan, held in the Village on August _____, 2020, at _____ p.m., local time.

PRESENT: Council Members __________________________________________________________
ABSENT: Council Members __________________________________________________________

Council Member ________________ and supported by Council Member ________________ moved the adoption of the following resolution.

WHEREAS, the Village Council deems it to be in the best interests of the Village of Spring Lake (the “Village”) to design, purchase, acquire and construct certain improvements to the Village’s Sanitary Sewer System, including, but not limited to, sewer main lining and improvements, replacing sewer mains, installing new sewer mains, lift station improvements, replacement of laterals, the restoration of streets, rights-of-way and easements affected by the improvements and related facilities, as well as all work, equipment and appurtenances necessary or incidental to these improvements and such other improvements as the Village may approve (the “Improvements”), and to finance the Improvements by the issuance of bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”); and

WHEREAS, pursuant to Section 33 of Act 94, it is necessary to publish a Notice of Intent to Issue Bonds for the Improvements; and

WHEREAS, the Village may proceed with the Improvements prior to the issuance of the bonds; and

WHEREAS, the Village may incur substantial capital expenditures for the Improvements prior to the issuance of the bonds, and desires to be reimbursed for such expenditures from the proceeds of the bonds.
NOW, THEREFORE, BE IT RESOLVED that:

1. The Village Council determines to design, purchase, acquire, and construct the Improvements and to pay the cost through the issuance of one or more series of revenue bonds pursuant to Act 94 for the Improvements in an amount not to exceed $3,600,000 (the “Bonds”).

2. A Notice of Intent to issue the Bonds be published in accordance with Section 33 of Act 94, and the Village Clerk is authorized and directed to publish the Notice of Intent to Issue Bonds in a newspaper of general circulation in the Village, which Notice shall be substantially in the form on the attached Exhibit A, with such changes as may be approved by the Village Manager.

3. The Village may proceed to acquire and construct the Improvements using available funds of the Village from the Sewer Fund, which is a fund for the Sanitary Sewer System of the Village, and other funds of the Village.

4. At such time as the Village issues the Bonds for the long-term financing of the Improvements, the Village shall be reimbursed for its expenditures for the Improvements out of the proceeds of the Bonds.

5. This resolution and the expression of intent to seek reimbursement from future proceeds of the Bonds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

6. The firm of Dickinson Wright PLLC is hereby employed as bond counsel to the Village to prepare the documents for the issuance of the Bonds for financing acquisition of the Improvements.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

YEAS: Council Members______________________________

NAYS: Council Members______________________________

ABSTAIN: Council Members______________________________

RESOLUTION DECLARED ADOPTED.

Marvin Hinga, Clerk
CERTIFICATION

I certify that the foregoing is a true and complete copy of a Resolution adopted by the Village Council of the Village of Spring Lake, Ottawa County, Michigan, at a regular meeting held on August _____, 2020, and that public notice of that meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended and the Governor’s Executive Order 2020-154.

August _____, 2020

Marvin Hinga, Clerk
NOTICE OF INTENT TO ISSUE SANITARY SEWER SYSTEM REVENUE BONDS TO THE ELECTORS OF THE VILLAGE OF SPRING LAKE

PLEASE TAKE NOTICE that the Village Council of the Village of Spring Lake (the “Village”) intends to issue bonds, in one or more series, in an amount of not to exceed $3,600,000 (the “Bonds”).

The Bonds shall be issued to pay the cost to design, purchase, acquire and construct certain improvements to the Village’s Sanitary Sewer System, including, but not limited to, sewer main lining and improvements, replacing sewer mains, installing new sewer mains, lift station improvements, replacement of laterals, the restoration of streets, rights-of-way and easements affected by the improvements and related facilities, as well as all work, equipment and appurtenances necessary or incidental to these improvements and such other improvements as the Village may approve, and to pay the costs of issuing the Bonds and capitalized interest, if any.

The Bonds of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law payable over not more than forty (40) years from the date of issuance of the Bonds. The Bonds shall be issued pursuant to Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”).

SOURCE OF PAYMENT

The principal of and interest on the Bonds shall be payable from the net revenues derived from the operation of the Sanitary Sewer System. In addition, the Bonds may be secured by the full faith and credit of the Village as limited by applicable charter, constitutional, and statutory limitations on the taxing power of the Village.

RIGHT OF REFERENDUM

The Bonds will be issued without a vote of the electors approving such Bonds, unless, within 45 days from the date of publication of this Notice of Intent, a petition, signed by not less than 10% of the registered electors residing within the limits of the Village shall have been filed with the Village Clerk or other recording officer of the Village requesting a referendum upon the question of the issuance of the Bonds. If such a petition is filed, the Bonds shall not be issued until approved by the vote of a majority of the electors residing within the Village qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 33 of Act 94.

Marvin Hinga, Clerk
RESOLUTION TO PURCHASE, ACQUIRE AND CONSTRUCT IMPROVEMENTS TO THE WATER SUPPLY SYSTEM AND TO PUBLISH NOTICE OF INTENT TO ISSUE REVENUE BONDS

Minutes of a regular meeting of the Village Council of the Village of Spring Lake, Ottawa County, Michigan, held in the Village on August _______, 2020, at _______ p.m., local time.

PRESENT: Council Members ________________________________

ABSENT: Council Members ________________________________

Council Member ________________ and supported by Council Member ________________ moved the adoption of the following resolution.

WHEREAS, the Village Council deems it to be in the best interests of the Village of Spring Lake (the “Village”) to design, purchase, acquire and construct certain improvements to the Village’s Water Supply System, including, but not limited to, water main improvements, replacing water mains, installing new water mains, replacement of laterals, water meter pit and water meter improvements, the restoration of streets, rights-of-way and easements affected by the improvements and related facilities, as well as all work, equipment and appurtenances necessary or incidental to these improvements and such other improvements as the Village may approve (the “Improvements”), and to finance the Improvements by the issuance of bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”); and

WHEREAS, pursuant to Section 33 of Act 94, it is necessary to publish a Notice of Intent to Issue Bonds for the Improvements; and

WHEREAS, the Village may proceed with the Improvements prior to the issuance of the bonds; and

WHEREAS, the Village may incur substantial capital expenditures for the Improvements prior to the issuance of the bonds, and desires to be reimbursed for such expenditures from the proceeds of the bonds.
NOW, THEREFORE, BE IT RESOLVED that:

1. The Village Council determines to design, purchase, acquire, and construct the Improvements and to pay the cost through the issuance of one or more series of revenue bonds pursuant to Act 94 for the Improvements in an amount not to exceed $2,400,000 (the “Bonds”).

2. A Notice of Intent to issue the Bonds be published in accordance with Section 33 of Act 94, and the Village Clerk is authorized and directed to publish the Notice of Intent to Issue Bonds in a newspaper of general circulation in the Village, which Notice shall be substantially in the form on the attached Exhibit A, with such changes as may be approved by the Village Manager.

3. The Village may proceed to acquire and construct the Improvements using available funds of the Village from the Water Fund, which is a fund for the Water Supply System of the Village, and other funds of the Village.

4. At such time as the Village issues the Bonds for the long-term financing of the Improvements, the Village shall be reimbursed for its expenditures for the Improvements out of the proceeds of the Bonds.

5. This resolution and the expression of intent to seek reimbursement from future proceeds of the Bonds is intended to satisfy the requirements of Section 150 of the Internal Revenue Code of 1986, as amended.

6. The firm of Dickinson Wright PLLC is hereby employed as bond counsel to the Village to prepare the documents for the issuance of the Bonds for financing acquisition of the Improvements.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

YEAS: Council Members

NAYS: Council Members

ABSTAIN: Council Members

RESOLUTION DECLARED ADOPTED.

Marvin Hinga, Clerk
CERTIFICATION

I certify that the foregoing is a true and complete copy of a Resolution adopted by the Village Council of the Village of Spring Lake, Ottawa County, Michigan, at a regular meeting held on August _____, 2020, and that public notice of that meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, as amended and the Governor’s Executive Order 2020-154.

August _____, 2020

Marvin Hinga, Clerk
NOTICE OF INTENT TO ISSUE WATER SUPPLY SYSTEM REVENUE BONDS TO THE ELECTORS OF THE VILLAGE OF SPRING LAKE

PLEASE TAKE NOTICE that the Village Council of the Village of Spring Lake (the “Village”) intends to issue bonds, in one or more series, in an amount of not to exceed $2,400,000 (the “Bonds”).

The Bonds shall be issued to pay the cost to design, purchase, acquire and construct certain improvements to the Village's Water Supply System, including, but not limited to, water main improvements, replacing water mains, installing new water mains, replacement of laterals, water meter pit and water meter improvements, the restoration of streets, rights-of-way and easements affected by the improvements and related facilities, as well as all work, equipment and appurtenances necessary or incidental to these improvements and such other improvements as the Village may approve, and to pay the costs of issuing the Bonds and capitalized interest, if any.

The Bonds of this issue shall mature within the maximum terms permitted by law with interest on the unpaid balance at a rate not to exceed the maximum rate permitted by law payable over not more than forty (40) years from the date of issuance of the Bonds. The Bonds shall be issued pursuant to Act 94, Public Acts of Michigan, 1933, as amended (“Act 94”).

SOURCE OF PAYMENT

The principal of and interest on the Bonds shall be payable from the net revenues derived from the operation of the Water Supply System. In addition, the Bonds may be secured by the full faith and credit of the Village as limited by applicable charter, constitutional, and statutory limitations on the taxing power of the Village.

RIGHT OF REFERENDUM

The Bonds will be issued without a vote of the electors approving such Bonds, unless, within 45 days from the date of publication of this Notice of Intent, a petition, signed by not less than 10% of the registered electors residing within the limits of the Village shall have been filed with the Village Clerk or other recording officer of the Village requesting a referendum upon the question of the issuance of the Bonds. If such a petition is filed, the Bonds shall not be issued until approved by the vote of a majority of the electors residing within the Village qualified to vote and voting thereon at a general or special election.

This Notice is published pursuant to the requirements of Section 33 of Act 94.

Marvin Hinga, Clerk
<table>
<thead>
<tr>
<th>Adjustment</th>
<th>Account</th>
<th>Fund</th>
<th>Dept.</th>
<th>Account</th>
<th>Current</th>
<th>Proposed</th>
<th>Change</th>
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<td>Revenue</td>
<td>Contribution from Crockery Township</td>
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<td>SIB Loan Interest Payment</td>
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</table>

Create Budget for State Infrastructure Bank (SIB) Debt Service Fund 0
RESOLUTION NO: 2020 – ??

A RESOLUTION ADJUSTING WATER RATES FOR NON-VILLAGE CUSTOMERS

WHEREAS, the Village Council from time to time may adopt and amend certain fee schedules; and

WHEREAS, the Water Reliability Study has identified areas of great need within the Village in order to maintain safe drinking water; and

WHEREAS, the North Bank Communities are aware of needs within the sewer system that are necessary to maintain the health and well-being of all residents within the 3 communities; and

WHEREAS, it is imperative that the infrastructure improvements need to be paid for by the users of the system; and

WHEREAS, it will take a number of years to generate enough revenue to fund the necessary water and sanitary sewer system improvements; and

WHEREAS, Council is understanding of the criticality of the improvements to the system; and

NOW, THEREFORE, BE IT RESOLVED, that the Village Council hereby establishes the following fees effective September 1, 2020:

Water Rates for Non-Village Residents:

Water Commodity Rate:

$3.67 per 1,000 gallons of water

Water Readiness to Serve Charges - Quarterly:

<table>
<thead>
<tr>
<th>Meter Size</th>
<th>Charge</th>
</tr>
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<tbody>
<tr>
<td>5/8&quot;</td>
<td>$25.95</td>
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<tr>
<td>3/4&quot;</td>
<td>$37.36</td>
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<tr>
<td>Meter Size</td>
<td>Water System Improvement Charges – Quarterly:</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------------------------</td>
</tr>
<tr>
<td>5/8&quot;</td>
<td>$14.08</td>
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<tr>
<td>¾&quot;</td>
<td>$20.25</td>
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<td>Water Lead Service Line Replacement Charges – Quarterly:</td>
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<td>Meter Size</td>
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<td>$13.00</td>
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<td>Water System Debt Service Charges – Quarterly:</td>
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<tr>
<td>2&quot;</td>
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<td>3&quot;</td>
<td>$313.53</td>
</tr>
<tr>
<td>4&quot;</td>
<td>$557.38</td>
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</table>

**YES:**

**NO:**

**ABSENT:**
RESOLUTION 2020 - ?? DECLARED ADOPTED.

ADOPTED ON: August 17, 2020

I, Marvin Hinga, Village Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Village of Spring Lake at a Regular Meeting thereof held on the 17th day of August, 2020.

________________________________________
Marvin Hinga, Clerk
Village of Spring Lake

CERTIFICATE

I, Marvin Hinga, Village Clerk, do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Village of Spring Lake at a Regular Meeting thereof held on the 15th day of June 2020.

RESOLUTION 2020 - ?? DECLARED ADOPTED.

Dated: August 17, 2020

________________________________________
Marvin Hinga, Clerk
Village of Spring Lake
TO: Village President Mark Powers & Council Members

FROM: Chris Burns, Village Manager

DATE: August 7, 2020

RE: Business of the Year

---

**Background:** Due to Covid-19 restrictions, the Chamber had to cancel their annual awards banquet. They have proposed selecting a business and presenting the awards when next year’s awards are presented in June 2021.

**Issues & Questions Specified:** Should the Village select a Business of the Year for 2020?

**Alternatives:** Forego selection in 2020.

**Financial Impact:** The cost of the plaque and the luncheon are the costs associated with this award. The plaque that has been used in the past has been discontinued so Elizabeth Butler has to select a new plaque. Cost is unknown until the selection is made. There is a cost to provide lunch to the business owner, which will be based on location (typically less than $20 pp).

**Recommendations:** Select a business worthy of the distinction.

**Attachments:**

Nomination Form
History
2020 BUSINESS RECOGNITION AWARD PROGRAM

NOMINATION FORM

Please return to Elizabeth Butler at The Chamber by April 15, 2020

Business Name: ___________________________________________________________

Contact: ________________________________   Title: ___________________________

Address: _________________________________________________________________

City: _________________________________   State: MI     Zip Code: _______________

(1) Project/Activity:   ________________________________________________________
                        ___________________________________________________________________
                        ___________________________________________________________________
                        ___________________________________________________________________

Guidelines you may use in considering your Nominee as applicable:

(2) Number of Existing Jobs prior to Project/Activity: ____________

(3) New Jobs Created due to Project/Activity: ______________

(4) Increase in Production/Sales (%): __________________________________________

(5) Dollar amount invested in Project/Activity: ____________________________________

(6) Community Contributions

(7) Year company was started or purchased: ______________

ADDITIONAL INFORMATION AND COMMENTS: ____________________________
                        ___________________________________________________________________
                        ___________________________________________________________________
                        ___________________________________________________________________


TO: Village President Mark Powers & Council Members
FROM: Chris Burns, Village Manager
DATE: August 7, 2020
RE: Amendment to Village Manager Contract

Background: The Village Manager’s employment contract stipulates that she is provided a leased vehicle to be used for Village business as well as 30 gallons of fuel each month. The lease on the current vehicle expires in July 2021. Rather than enter into another 36 or 39 month lease at the expiration, the VM has asked that an option be considered for an allowance instead.

Issues & Questions Specified: Should the Village Manager be given the option to either lease a vehicle in 2021 or be given a vehicle allowance?

Alternatives: Do nothing.

Financial Impact: The difference between the options is minimal.

Recommendations: Approve the amendment to the contract.

Attachments:

Amendment
Cost analysis
AN AMENDMENT TO THE AMENDED LETTER OF UNDERSTANDING REGARDING THE EMPLOYMENT OF CHRISTINE BURNS AS VILLAGE MANAGER

This Amendment to the Amended Letter of Understanding (Agreement) is made and entered into this _______ day of August, 2020, by and between the Village of Spring Lake (Village) and Christine Burns (Ms. Burns), both of whom understand as follows:

BACKGROUND

1. An Amended Letter of Understanding regarding the employment of Ms. Burns as Village Manager was executed between the Village and Ms. Burns on February 20, 2017.

2. The Village and Ms. Burns desire to amend the automobile provision of the Amended Letter of Understanding.

3. The Village and Ms. Burns wish to confirm their employment relationship for the Village Manager position according to the terms of the February 20, 2017, Amended Letter of Understanding as modified herein.

AGREEMENT

Section 1. Automobile. Section 6 of the February 20, 2017, Amended Letter of Understanding between the Village and Ms. Burns is hereby amended to state in its entirety as follows:

Section 6. Automobile. The duties assigned to Ms. Burns by the Village require that she have the unrestricted use of an automobile while this Agreement is in effect. Upon mutual agreement of the parties, the Village shall:

(a) Obtain, by purchase or lease, a vehicle with a 10,000 mile annual maximum at a cost of $300.00 per month or less, and provide said vehicle to Ms. Burns. The Village will pay all operation and maintenance expenses, including periodic replacement of the vehicle as the Village Council deems necessary;

(b) When the lease on the vehicle that is currently driven by Ms. Burns expires in July of 2021, Ms. Burns will have the option to have the Village provide another vehicle in accordance with the conditions set forth above, or be awarded a $500.00 per month stipend in Ms. Burns’ sole discretion;

(c) Pay for 30 gallons of fuel per month. Ms. Burns will purchase sufficient fuel to cover the IRS obligation; and

(d) Provide car insurance under its fleet policy.
Ms. Burns shall be responsible for any tax consequences attributable to the use of the automobile. She may also operate the vehicle for limited personal use.

Section 2. The remaining provisions of the February 20, 2017, Amended Letter of Understanding are hereby affirmed by the parties and incorporated herein.

IN WITNESS WHEREOF, the Village Council has, through its authorized representatives, signed this Agreement this _________ day of August, 2020.

Signed in the Presence of:    VILLAGE OF SPRING LAKE,
                             OTTAWA COUNTY, MICHIGAN

_________________________________  By: _______________________________
Mark Powers
Its: President

_________________________________  By: _______________________________
Marvin Hinga
Its: Clerk/Treasurer

IN WITNESS WHEREOF, Ms. Burns has signed this Agreement on this _________ day of August, 2020.

Signed in the Presence of:

__________________________________  __________________________________
Christine Burns

__________________________________  __________________________________


### Manager's Vehicle Expenses

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<th>Annual</th>
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<tr>
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<tr>
<td>Equinox Lease **</td>
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* Does not include $1,000 Down Payment

** Amortizes $1,000 down payment over 36 months.

Lease end date  
July 2021

### Annual Vehicle Insurance

925.00

---

#### Fuel Costs

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<th>Month</th>
<th>Cost***</th>
<th>Gallons</th>
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<tbody>
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<td>Jul-19</td>
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<td>Annual (Avg) Fuel</td>
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<td>5,153.66</td>
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### Monthly Average

429.47

***skewed due to Covid (lower fuel usage and lower price/gallon)
<table>
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<th>Gallons</th>
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<tr>
<td>27.651</td>
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<td>30.057</td>
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<td>30.073</td>
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<td>30.004</td>
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<td>30.041</td>
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<tr>
<td>30.024</td>
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<td>30.006</td>
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<td><strong>357.748</strong></td>
</tr>
</tbody>
</table>
TO: Village President Mark Powers & Council Members

FROM: Chris Burns, Village Manager

DATE: August 7, 2020

RE: Planner Roles and Responsibilities

__________________________

*Background:* In January 2020 the Village entered into an agreement with Grand Haven Township for Planning services. Prior to Covid, the Village had several large development projects on the horizon, most of which have been stalled due to so many uncertainties related to the pandemic. The Village is currently paying $56.50 per hour for Stacey Fedewa’s services and $33.79 per hour for Cassie Hoisington’s services. Ms. Fedewa suggests that the Village allow Ms. Hoisington to take the lead on planning services that are less complex and do not necessarily need an AICP’s oversight. Should the larger development projects materialize, Ms. Fedewa would resume the lead planner role.

*Issues & Questions Specified:* Should the Village utilize the services of Cassie Hoisington instead of Stacey Fedewa for projects that are not as complex?

*Alternatives:* Continue the MOU as is currently written.

*Financial Impact:* Unknown at this time, however, it is likely that our expenditures for planning services would decrease due to a lesser cost per hour. The Village would realize a savings of $22.71 by having Ms. Hoisington serve as our lead planner. Should larger projects be submitted to the Village for development, Ms. Fedewa could be re-engaged as needed.

*Recommendations:* Approve the amendment to the contract.

*Attachments:*
Fedewa Email
MOU between SL & GHT
Hi Chris,

As you know, Cassie was promoted to Associate Planner around the same time as we began the contract with the Village. She has about 3 weeks left on her 6-month probationary period. If it’s ok with you, I’d like to officially transition her to the lead planner for the Village. She is enjoying her work there and feels like she is mastering the profession.

If this transition is ok with you, I’d like to make it official on August 12th when we come to the Village that afternoon. Then remove my information from the Village’s website. All communication would go directly to her, with me copied. I will still help her through projects and guide her. Further, if/when the large developments begin, I will step in and take the lead role again.

Doing so would result in more than a $22 per hour cost savings for the Village as well.

Thank you in advance for your consideration, and look forward to your response.

Best regards,

Stacey Fedewa, AICP
Community Development Director
Grand Haven Charter Township
(616) 604-6326 Direct
(616) 260-4982 Cell
sfedewa@ght.org
INDEPENDENT CONTRACTOR AGREEMENT

THIS AGREEMENT, dated for reference purposes, this ___day of _________, 2020, (the "Agreement") is made by and between THE VILLAGE OF SPRING LAKE, a Michigan Municipal Corporation (the "Village"), whose address is 102 W. Savidge Street, Spring Lake, Michigan 49456 and GRAND HAVEN TOWNSHIP (the "Contractor") of 13300 168th Avenue, Grand Haven, Michigan, 49417.

1. General Agreement. Village agrees to hire Contractor and Contractor agrees to be retained by Village as an independent contractor to perform services related to the Village’s planning services described in Exhibit A (the "Services") as part of a collaborative planning opportunity. The City of Grand Haven will provide planning services. It is understood that the Village will contract zoning services from Spring Lake Township for the same term.

2. Payment for Services. Village agrees to pay, and Contractor agrees to accept payment for the Services at a rate of $56.50 per hour for services provided by Stacey Fedewa, AICP or $33.79 per hour for services provided by Cassie Hoisington, including travel time.

3. Relationship Created. Under all circumstances, the Contractor is not an employee of Village for any purpose whatsoever but is an independent contractor. Village is interested only in the proper performance of the Services by the Contractor, who shall have sole control of the manner and means of performance under this Agreement; yet, the Village will make all pertinent electronic, paper and technology available to contractor at no extra expense as it would for a full-time staff member.

4. Expenses and Taxes. Contractor shall provide and be responsible for all reasonable and necessary expenses in fulfilling the obligations under this Agreement. Village will not reimburse Contractor for any expenses, excepting mileage incurred at the current IRS rate. Contractor agrees that Village shall neither withhold any income taxes or FICA contributions from any fees which might be owed to Contractor, nor make any FICA contributions on behalf of Contractor, nor make any contributions for FUTA, applicable state employment taxes relating to unemployment compensation or applicable state worker’s disability compensation.

5. Contractor at Will. Contractor understands that the services provided to Village shall be at the will of Village and that the services may be terminated at any time by either party with or without cause.
6. **Term.** The term is from February 11, 2020 to December 31, 2020. Agreement may be extended for up to three consecutive one-year periods upon written confirmation by Township and Village Manager.

7. **Insurance Matters.** Contractor represents and warrants to Village that they are adequately insured for liability, casualty, and property loss under applicable law, as well as in accordance with reasonable customs and practices, for the performance of the Services. Village shall not provide coverage under any worker's disability compensation insurance plan for any accident or injury arising in or out of the course of this Agreement and Village shall not provide coverage under any unemployment compensation insurance plan, or for unemployment benefits either during or after the term of this Agreement.

8. **Indemnification by Contractor.** Contractor shall indemnify and hold Village harmless against all claims made by Contractor or otherwise by reason of any misrepresentations, promises, or false statements made by Contractor. In addition, Contractor shall reimburse the Village on demand for any payment made by the Village with respect to any claim for damages by reason of any such misrepresentations, promises or false statements, including reasonable attorney's fees, or other defense costs and all out-of-pocket expenses of Village.

9. **Indemnification by Village.** Provided the Contractor has acted in good faith and has not made any misrepresentation, false statements or promises that are inconsistent with Village policies or procedures, the Village shall hold the Contractor (defined for purposes of this paragraph to include its officers and employees) harmless from, indemnify the Contractor for and defend the Contractor against any claims, causes of action, or lawsuits arising from the services performed by the Contractor pursuant to this Agreement.

10. **Miscellaneous.** This is the entire agreement of the parties and supersedes any prior agreement. This Agreement can only be modified in writing signed by both parties. The Agreement replaces and supersedes any prior agreements which may have existed between the parties, whether oral or written. Captions appearing at the beginning of each section hereof or within sections are provided for convenience only, shall not be deemed a part of this Agreement, and shall have no independent significance. In this Agreement, words used in the singular shall include the plural, and the words used in the plural shall include the singular. The use of pronouns or other terms referring to the male gender shall include the female and/or neuter gender and use of pronouns or other terms referring to the female gender shall include the male gender. Reference to any person or entity herein is presumed by any designation of such person or equity. The word "person" includes a firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of them as well as a natural person. No terms or provisions of this Agreement shall be deemed waived by the Village and no breach
excused by the same, unless the waiver or consent is in writing, signed by the Village. If any provision of this Agreement shall be held to be invalid, the remaining provisions of this Agreement shall not be affected thereby and may be modified by a court of competent jurisdiction; regardless, the Agreement shall remain in force and effect, and shall continue to govern the relationship between and among the parties. The terms of this Agreement shall be binding upon and inure to the benefit of the parties, their heirs, personal representatives, successors and assigns. This Agreement shall be construed in accordance with the internal laws of the State of Michigan, excluding any applicable conflict of law provisions.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the day and year first above provided.

VILLAGE OF SPRING LAKE
A Michigan Municipal Corporation

By: ________________________
Mark Powers
Its: President

GRAND HAVE TOWNSHIP
A Michigan Municipal Corporation

By: ________________________
Its: _______________________

VILLAGE OF SPRING LAKE
A Michigan Municipal Corporation

By: ________________________
By: ________________________
Mark Powers
Its: President
Its: _______________________

GRAND HAVE TOWNSHIP
A Michigan Municipal Corporation

By: ________________________
By: ________________________
Marvin Hinga
Its: Clerk/Treasurer
Its: _______________________
# Planning Collaboration

**Function List and Accountability**  
for  
Grand Haven Township Planner  

*(In Order of Priority)*

<table>
<thead>
<tr>
<th>Function</th>
<th>GH Township</th>
<th>Village</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Planning Commission staffing and liaison as Planner</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>2. Planning Commission agenda</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>3. Planning Commission minutes</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>4. Site Plan Reviews</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>5. Planning Notices, Hearing Letters, Postings</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>6. Recommendations on Public Improvement Program</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>7. Drafting of future Zoning amendments (requested by Planning Commission or Village Council or Village Manager)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>8. Holds Published Office Hours as Planner</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>9. Answers basic questions (Administrative Assistant and/or Village Manager – assumes follow-up emails to Planner as necessary)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>10. Urgent and important planning questions (Village staff cannot answer during non-office hours)</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>11. Staff meetings</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>12.</td>
<td></td>
<td></td>
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<tr>
<td>13.</td>
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</table>
TO: Village President Mark Powers & Council Members

FROM: Chris Burns, Village Manager

DATE: August 7, 2020

RE: Assistant to the Village Manager

Background: Demario Johnson served as the Village’s intern for part of the winter 2020 semester until Covid struck in March. Demario has since graduated with his MPA from GVSU and is gainfully seeking employment. During his tenure, Demario demonstrated great aptitude and was a contributing member of our team, helping complete several key projects.

The Village has also been utilizing the services of retired City Manager Bill Cousins to complete key projects, on an as-needed basis. Bill has accepted the position of Interim Village Administrator for the Village of Shelby until such time they hire another Administrator. After wrapping up the DDA extension, Bill will not be available to assist the Village until his other commitment ends.

With all of the economic development that is occurring downtown, staff has no more bandwidth to take on additional and necessary projects. In order to continue to move our downtown and our community forward, we simply need someone to tackle those “extra” projects. Demario is that person.

Issues & Questions Specified: Does the Village need additional staff to maintain the current level of service to its residents? Current staff has willingly taken on additional assignments, but are simply at their capacity.

Alternatives: Do nothing and put off project list until staff can fit them into their schedules.

Financial Impact: Damario’s wages will be allocated to the project on which he works (DDA, community promotion, water/sewer, etc.) It is estimated that there will be an additional $13k outlay beyond what was budgeted for FY 20/21. See attached summary from Clerk/Treasurer Marv Hinga.

Recommendations: Allow VM Burns to hire Demario Johnson as an Assistant to the Village Manager with a starting wage of $18/hour.

Attachments:
Job Description
Project List
Estimated Costs
VILLAGE OF SPRING LAKE
JOB DESCRIPTION

ASSISTANT TO THE VILLAGE MANAGER

Supervised By: Village Manager
Supervises: None

Position Summary:
Under the supervision of the Village Manager, performs a broad range of administrative duties in support of the daily operations of the Village. Prepares reports, coordinates meetings, conducts research and writes detailed reports, press releases, memorandum and letters. Attends meetings and represents the Village as needed.

Essential Job Functions:
An employee in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the employee may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

1. Rotates through various Village Departments to become familiar with Village operations on all levels. Generates impressions and ideas to better serve the citizens through ongoing, independent interaction with employees at all levels of organization.

2. Responds to inquiries, concerns, and information requests, resolves routine issues, and refers unusually complicated situations to the appropriate party.

3. Assists in coordinating departmental reporting and information flow, and develops, implements and maintains organizational coordination. Conducts research, develops proposals and reports, and represents the Village Manager at meetings as required.

4. Serves as liaison between the Village Manager, other Village Departments, State, local, and municipal officials, the media, community groups, businesses, and the general public. Responds to inquiries, concerns, and information requests, resolves routine issues, and refers unusually complicated situations to the appropriate party.

5. Works with other departments, and independently, on special projects and complicated endeavors. Coordinates processes, provides research and administrative support, and otherwise facilitates the successful completion of Village projects.

6. Procures, negotiates and monitors performance of service contracts and other agreements as directed by the Village Manager.

7. Researches grant sources and other funding resources. Writes grant applications, administers grant funds, oversees grant expenditures.

8. Purchases departmental equipment and services as directed by the Village Manager, drafting requests for proposals and bid specifications as needed.
9. In the absence of Village department heads and managers, provides administrative support to various departments as directed. Coordinates functions during interim periods to ensure continuous, routine workflow throughout the organization.

10. Keeps abreast of current issues, changing legislation and policies, new administrative techniques, and developments in the public administration field through continued education and professional growth. Attends conferences, workshops, and seminars as appropriate.

11. Assists customers in person and by phone or other means, addressing and resolving standard and complex problems or issues. Addresses most situations independently and coordinates more complex issues with Village Manager, department heads and managers as appropriate.

12. Provides guidance, instruction and advanced facilitation to customers regarding department operations, rules, procedures, forms, protocols and other requirements to ensure they understand processes, obtain and complete required paperwork and receive adequate and complete information.


15. Prepares packets, reports and other standard and complex handouts, materials, official documents or publications.

16. Performs related work as required.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**
The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Requirements include the following:

- A Bachelor’s Degree in public administration or a related field, Master’s Degree preferred.

- Experience as an assistant to a Village manager, assistant Village manager or other relevant combination of experience and education.

- A valid State of Michigan Driver’s License, a satisfactory driving record, and the ability to maintain one throughout employment.

- Knowledge of government operations, public administration, budgeting practices, financial preparation, grant writing, contract administration, and public relations.
• Skill in the use of office equipment and technology, including computers and related software, and the ability to master new technologies.

• Ability to perform extensive research, compile complex data and prepare accurate records and reports, including financial analysis.

• Ability to establish effective working relationships and use good judgement, initiative and resourcefulness when dealing with the public, business and community interests, elected officials, other employees, and professional contacts.

• Ability to effectively communicate and present ideas and concepts orally and in writing and make presentations in public forums.

• Ability to critically assess situations and solve problems, and work effectively under stress, within deadlines, and changes in work priorities.

• Ability to attend meetings outside of normal business hours.

• Ability to travel to various locations within the Village.

**Physical Demands and Work Environment:**
The physical demands and work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

This position regularly works in an office setting with a controlled climate where they sit and work on a computer, communicate by telephone, email or in person, and move around the office or travel to other locations.

An employee in this position is also required to occasionally work outside the office at field sites, including visiting development sites with treacherous terrain, requiring the employee to traverse uneven ground, climb up or crawl down to access the site, and may involve fumes, dust, chemicals or other hazardous materials, loud machinery and equipment and other dangers associated with engineering projects and construction sites. An employee in this position must have the strength, stamina and physical coordination needed to gain access to the construction project sites described above, observe and inspect work in progress.
Demario Projects for 2020/2021

Get certified to work November election (SLT)

Seek Trail Town designation

Parks Maintenance Plan

Update Forms (fillable forms for website, consistent formatting)

Management/Scheduling of Village facilities (Central Park, Tanglefoot, Mill Point, Barber School)

RFPs

• Vacant lot (redistribute)
• Signage downtown
• Christmas lights downtown

Educational videos

• Water/Sewer rate increases
• DPW partnership
• Michigan Natives
• ACH payment options
• Branding

Policies

• Summer sewer credits
• Late fees waived for ACH

Ordinance Exploration

• Golf Carts and non-motorized transportation (bikes, pedestrian improvements)
• ROW Use (liability)

Other Miscellaneous Items

• Speed Bumps/Traffic Calming throughout the Village

Rotate throughout all departments to see how each works.
DeMario Johnson - 07/01/20

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<th>Description</th>
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<td>Workers Comp</td>
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<td>MERS</td>
<td>3,758.40</td>
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<td>Health Insurance</td>
<td>6,585.70</td>
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<td>Dental Insurance</td>
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<td>Vision</td>
<td>300.00</td>
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<tr>
<td>Life &amp; LTD</td>
<td>450.00</td>
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<tr>
<td><strong>Total Benefit Package</strong></td>
<td><strong>$51,920.33</strong></td>
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</table>

Mary Paparella Cost as of 07-01-19 - Savings (62,325.41)
Less 50% Township Reimbursement 31,162.71

Township Receptionist Cost 27,583.92

Bill Cousins Cost Savings - 2019 Wages (8,748.00)
Bill Cousins Cost Savings - 2019 Benefits (874.80)

Savings from Staffing Change (13,201.59)
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<th>Personal</th>
<th>Sick</th>
<th>Birthday</th>
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<th>Hours Worked</th>
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<td>48</td>
<td>8</td>
<td>180</td>
<td>1908</td>
<td>$27.21</td>
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WORK SESSION AGENDA REPORT

AGENDA ITEM #7

TO: Village President Mark Powers & Council Members

FROM: Wally Delamater
Director, Spring Lake DPW

DEPT: Downtown Development Authority

DATE: August 7, 2020

RE: Parking Lot Maintenance, (Lot between Buchanan and Jackson)

Seal coat and restripe

Background: This parking lot Buchanan and Jackson has needed a seal coat and crack sealing for several years. Some areas of the lot are beyond help but seal coating will provide extended life for a few more years. A large section of the lot/alley was removed to install water and sewer main and to provide for the Epicurean Village building project. The Epicurean Project will be placing the base course of HMA August 10th. To compliment the new paving the intention would be to seal coat the entire parking lot and then restripe. As part of this maintenance project large cracks in the pavement will also be filled prior to the seal coating being applied. In anticipation of the parking lot improvement project we have treated all the cracks in the pavement and edges to remove vegetation. We have removed the vegetation from most of the islands, replaced with stone and made irrigation improvement for future use.

Issues & Questions Specified: The Street Supervisor has contacted companies to obtain estimates. We have received one estimate at this time. On company said they were too busy and would not submit a proposal. The third company said they were interested but I have not yet received the estimate. I hope to have at least one additional estimate for Council at the work session.

1) Lakeshore Parking Lot Maintenance Inc. - $5,329
2) ____________________________ - $

Alternatives: The basic alternatives are do nothing, seal cost and restripe or remove and replace the surface. Seal coating and restriping will improve the aesthetics and by time to plan future improvements.

Financial Impact: DDA 2020-21 Budget: Line Item 236-000.000-970.000

Buchanan/Jackson Parking Lot Renovation

Footnote amounts: 10,000

Recommendations: Authorize the Village Manager to execute an Agreement for Service not to exceed the amount of $5,329 to perform the services of, crack sealing, seal coating and striping the public parking lot between Buchanan and Jackson.

Attachments:
Lakeshore Parking Lot Maintenance estimate #3058
Overhead site Picture
Agreement for Service
Seal Coating, Hot Pour Rubber Crack Fill, Parking Lot Striping, Property Management, Parking Lot Cleaning, Concrete Repair, Catch Basin Repair, Concrete Sawing, Sign Installation, Asphalt Repair

TWO COATS OF SEAL is applied with a mixture of sand and a latex additive on commercial lots.

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<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Seal</td>
<td>VILLAGE PARKING LOT BY DOLLAR GENERAL-OLD AREA</td>
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</tr>
<tr>
<td></td>
<td>Sealcoat - TWO COAT APPLICATION</td>
<td>3,944.00</td>
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<tr>
<td></td>
<td>APPROX. 39,435 SQFT.</td>
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<tr>
<td>Crackfill</td>
<td>Hot Rubber Crackfill Approx. 1,065 LFT.</td>
<td>960.00</td>
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<tr>
<td></td>
<td>1/4” OR LARGER ( NO ALLIGATOR AREAS )</td>
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</tr>
<tr>
<td>Striping</td>
<td>LAYOUT AND PAINT PER PRINT</td>
<td>425.00</td>
</tr>
<tr>
<td></td>
<td>APPROX. 86 CAR SPACES-WHITE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>APPROX. 4 -6 HANDICAP-BLUE</td>
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</tbody>
</table>

NOTE: THIS PRICE INCLUDES TWO MOBILIZATIONS SO NOT TO SHUT DOWN BUSINESSES

Total $5,329.00

Acceptance Agreement—Payment due at time of completion

Please sign and remit one copy to our office.

Signature:
AGREEMENT FOR SERVICES

THIS AGREEMENT is effective the ___________ between the Village of Spring Lake, a Michigan home rule village, whose address is 102 W. Savidge St., Spring Lake, Michigan 49456 (the "Village") and (Service Provider) ___________ ___________ ___________ whose address is __________________________, MI ___________.

Recitals

A. The Village desires to engage the services of Service Provider to provide the services specified in this Agreement.

B. The Service Provider has the time, skills, and desire to provide the services contemplated in this Agreement.

C. The parties, therefore, desire to specify their respective rights and obligations in this Agreement.

Agreement

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

1. Engagement of Services. The Village hereby engages the Service Provider to perform the following described services on behalf of the Village under the terms and conditions specified herein: See attached __ __ ______________. Service to be scheduled with ______________ but completed no later than ______________.

2. Duties. The Service Provider and its officials and employees shall devote their best efforts when performing the services contemplated in this Agreement.

3. Compensation. The parties agree that the Village shall pay the Service Provider $ ______________ (see attached proposal) for the services to be performed under this Agreement. Unless otherwise agreed to in writing by the parties, upon completion of the services performed under this Agreement, the Service Provider shall submit to the Village a written statement of the services provided. The Village shall then pay to the Service Provider the amount due within thirty (30) days after the date of the written statement.
4. Independent Contractor. The parties hereby acknowledge and agree that Service Provider is performing the services contemplated in this Agreement as an independent contractor and is not acting as an employee or agent of the Village. As a result of Service Provider’s status as an independent contractor, the Village shall not be responsible for any state or federal income tax withholdings and shall not be responsible for providing worker’s compensation insurance coverage for Service Provider and its officials and employees.

5. Insurance. While performing the services contemplated in this Agreement Service Provider shall maintain public liability insurance in the sum of not less than ONE MILLION and 00/100 DOLLARS ($1,000,000.00) for damages relating to any one person or for damages relating to any one occurrence. This insurance policy shall name the Village as an additional named insured and shall contain a provision that the policy cannot be terminated, canceled, or substantially altered without thirty (30) days written notice to the Village. Service Provider shall provide notice of compliance with this insurance provision upon request of the Village.

6. Indemnification. Service Provider shall indemnify and hold harmless the Village, its officers, council members, assigns, agents, servants, employees, and insurance companies from any and all damages, legal fees or expenses, losses, claims and actions which may arise out of performing the services contemplated in this Agreement.

7. No Assignment. Because of the personal nature of the services to be provided under this Agreement, Service Provider may not assign this Agreement to any other person or entity.

8. Termination. Either party may terminate this Agreement by given to the other party seven (7) days written notice of the intent to terminate this Agreement. If this Agreement is terminated prior to the completion of the services contemplated in this Agreement, then the Village shall only be liable for paying the pro rata amount of the compensation specified in paragraph 3 above equal to the percentage of the services performed under the terms and conditions of this Agreement.

9. Notice. Any notice required under this Agreement by either party shall be in writing to the party to be so notified and sent by certified mail, return receipt requested, to such address as noted herein, unless such address is changed, and both parties have been notified consistent with this paragraph.

10. Governing Law. The parties agree that the validity, construction, enforcement and interpretation of this Agreement shall be governed by the laws of the State of Michigan.
11. Amendments. This Agreement may be amended by the mutual consent of both parties that is documented in writing and signed by both parties.

12. Entire Agreement. The Agreement contains the entire Agreement of the parties hereto and supersedes all prior agreements and understandings, oral or written, if any, between the parties.

13. Authority to Execute Agreement. By signing this Agreement, the officials warrant to the other party that they have the authority to execute this Agreement and to legally bind the Village and Service Provider to the terms and conditions of this Agreement.

14. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect the other provisions, and this Agreement shall be construed as if such invalid or unenforceable provision were omitted.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective the day and year first above written.

Village of SPRING LAKE,

By: __________________________

Its: __________________________

Dated: ________________________

SERVICE PROVIDER

By: __________________________

Its: __________________________

Dated: ________________________
Marilyn,

This is a cable that I believe belongs to Charter. It was reported to Charter and I think an MPSC complaint was filed by the contiguous property owner in order to get it taken care of. As you can see by the photos, they used our tree to tie it to and then left the cable laying along the bike path (which runs behind 411 W. Savidge). I can pretty much guarantee you that our mowers will take this out the next time they pass through there. Furthermore, we do not believe you should be using our trees as utility poles. Please take care of this immediately. If it does not belong to Charter, please clear that up ASAP as well.

Chris
Christine Burns
Village Manager
102 W. Savidge
Spring Lake, MI 49456
P: 616.842.1393
F: 616.847.1393
Mary C. Chittenden  
16700 VanWagoneer  
Spring Lake, MI 49456  

Dear Ms. Chittenden,  

Our apologies that you did not find Central Park to the standards that you expected during your use of it last weekend. Our DPW has informed us that the grill was broken, so they removed it to have it repaired. It will be reinstalled once it is repaired. Since the facilities are free to use, it is not unheard of that people reserve the shelters and then do not show up. Unfortunately, we have not control over that situation. We could, in the future, establish a rental fee to ensure that people are more likely to show up if they have a reservation. Mary retired on March 30, during the onset of COVID, and staff had not updated the rental form. We appreciate you bringing that to our attention and it has been corrected.  

Fondly,  

Chris  
Christine Burns  
Village Manager  
102 W. Savidge  
Spring Lake, MI 49456  
P: 616.842.1393  
F: 616.847.1393  

To Whom This May Concern:  I spoke with Lori on June 26, 2020 (9:38 am) about reserving a Shelter at Central Park for July 26, 2020. (I was told that the first Reservation Form that I filled out had been lost. I don't know how that could have happened when it was put into the only drop box available). I asked for the Shelter nearest to Ace Hardware, Shelter #2. I was told it was reserved that day. So I was given Shelter #1. I have the paperwork in front of me as I am typing this. As I spoke to Lori, I wanted to make sure I reserved a "covered shelter". She said she "thought Shelter #1 was covered". (I thought it was odd that a person who works for the Village did not know about the park). It was, thankfully, as the day was extremely hot. As I went on to read the description of Shelter #1, it says, and I quote: "Shelter #1 ~ East Shelter (approx. 120 people) Electrical, Water and Grill available". I was a good thing my husband and I went to check the shelter out on Saturday, July 25th because there was NO GRILL AVAILABLE!!! We were expecting almost 40 people and we told them we would be grilling hamburgers and hot dogs that day. Myself and the leader of our organization were, to say at the least, very angry. We had to bring our own huge grill. The other thing that upset us was, we were told that Shelter #2 was reserved that day and there was not one soul there. We could have used that site AND HAD A
GRILL TO USE! You need to update your reservation form for this reason and for the fact that Mary no longer works at the Village either.

--
This e-mail was sent from a contact form on Village of Spring Lake (http://www.springlakevillage.org)
Hi Julia,

We do allow milkweed to grow at all public spaces with the exception of in front of the Plantenga sign. Unfortunately, the sign is rendered ineffective when it’s completely blocked by milkweed.

Fondly,

Chris
Christine Burns
Village Manager
102 W. Savidge
Spring Lake, MI 49456
P: 616.842.1393
F: 616.847.1393

Good Morning -
A recent post from the Ottawa County Parks on FaceBook discussed the importance of milkweed to the Monarch Butterfly.
The post reminded me that I should contact you about the milkweed plantings around the village sign at the corner of Savidge and Division, in front of Plantega’s Cleaners.
I am requesting that your plant maintenance crews NOT pull the milkweeds as they have in the past.
Thank you for your attention to this matter.
Julia B. Fullerton
Charlie Marshall, Spring Lake Village Neighbors

**Port a potty**

The village in their wisdom, decided that the whistle stop park needed a port a potty. It never had one before. Now I get to look out my living room window at a new grey port a potty, and enjoy the odor from it if I have my living room window open. Thanks Village trustees for thinking of the visitors to Spring Lake Village as more important than the residents of Spring Lake Village. So thoughtful, that you had a 8 ft privacy fence section installed blocking the view of the port a potty from the road. (Curb Appeal)

14 hr ago · 31 neighborhoods in General

😊 Thank

Bill Sibilla, Spring Lake Village Neighbors

So glad they added that but sorry it disappointed you. My Grandson has had several accidents because we could not make it home from the park.

14 hr ago

Erik Poel, Spring Lake Village Neighbors

Test to see if everything is censored by the “owner”

12 hr ago

William Filber, Spring Lake Village Neighbors

No Comment...ask the Manager.

11 hr ago
Chris Burns, Spring Lake Village Neighbors
While there has never been a port a potty at Whistlestop Playground in the past, patrons could use Admiral, if necessary. That courtesy no longer exists and the Village received countless requests for a restroom to accommodate the many children (and adults) who use Whistle Stop. Both the Parks & Rec Board and the DDA considered the requests and deemed it necessary to provide a facility for the public to use. The Village placed the port a potty as far away from your property as possible (97' from your garage to be exact) and has a contract for weekly cleaning. The unit was literally 'just' delivered and the screening is not yet complete; we needed the handicapped accessible restroom delivered so that we could determine where, exactly, to place the screening.

Chris Burns, Spring Lake Village Neighbors
Current view from the port a potty looking towards your garage. There will eventually be a screen placed here to obstruct the view.

Richard Clapp, Grand Haven
What would be your alternative solution?
Ms. Schoemer,

The Council is in receipt of your email. However, as staff has indicated to you in the past, you live on a private street. Your issue is not one for the Village or the Ottawa County Sheriff's Office to solve; it is a civil matter.

Sincerely,

Chris

Christine Burns
Village Manager
102 W. Savidge
Spring Lake, MI 49456
P: 616.842.1393
F: 616.847.1393

---------- Forwarded message ---------
From: <mcobaltm@aol.com>
Date: Wed, Jul 29, 2020, 3:04 PM
Subject: 353 S Lake Ave - Speed Bump Hazards
To: mark.powers.jd@gmail.com <mark.powers.jd@gmail.com>, Shadyln212@gmail.com <Shadyln212@gmail.com>, mduer2507@gmail.com <mduer2507@gmail.com>, villagecouncilhanks@gmail.com <villagecouncilhanks@gmail.com>, marksattic@charter.net <marksattic@charter.net>, slvanstrate@charter.net <slvanstrate@charter.net>, suspetrus@aol.com <suspetrus@aol.com>
Cc: callard@miottawa.org <callard@miottawa.org>

353 S Lake Ave Spring Lake
MI 49456
(517)420-4077
mcobaltm@aol.com

July 29, 2020

Village Council
Village of Spring Lake
102 W. Savidge St
Spring Lake, MI 49456
(616)846-1233

Dear Members,
The reason for this letter is to make sure that the lane that I live on is safe and clear for residents who live on, persons doing business on it and for other Village of Spring Lake residents and friends and family who visit.

My address is 353 S. Lake Ave. The other residents' addresses on this lane are 357, 355 and 359. I paid full market value for my home which I purchased on February 28, 2018.

There are two speed bumps that are trip hazards and steel u-channel posts that are dangerous in correlation with the speed bumps. For clarity and to point out the obvious facts that you may not be aware of at this time, Ms. Rita Wilson's excuse/explanation for laying down speed bumps was to protect her grandchildren against vehicular speeding. This lane is 450 feet. Physics won't allow for any vehicle to go fast! As a driver leaving the lane you have to stop to turn onto S. Lake Ave., in the opposite direction, driving home one has to turn onto the lane then slow to turn and stop in your prospective driveway. This is a NO OUTLET lane and doesn't allow for any other traffic - the Buzzells' mostly never have visitors and I have very little too. There is no traffic in any sense of the word. There are only individuals in two homes that cross over the speed bumps and that is the Buzzell's at 357 and myself Michelle Schoemer at 353 S. Lake Ave. Ms Rita Wilson doesn't cross over these speed bumps. When I first moved here I was told by Ms. Rita Wilson that the previous owner, Jenifer Behm used to drive fast and that the speed bumps were to protect her grandchildren. These grandchildren don't reside with her and I have only seen them on the lane twice in my vehicle since I have lived here over the last 29 months!

Speed bumps and a rumble strip were placed w/o due process: the three other residences (353, 357, 359) on this shared lane were not notified. From my conversation with the Buzzles I know that they don't want them and I know that Jennifer Behm also didn't want them; of course I don't want them.

My home was put up for sale in November of 2017 by Jeniffer Behm; in a very hot sellers market - most homes at that time and even now receive offers within two to three days; 353 S Lake Ave stayed on the market for three months before I purchased it on February 28, 2018 (the only home in my price range for sale!) The Buzzells put their home up for sale in 2018; it didn't sell. These speed bumps adversely affect homeowners in the Village of Spring Lake by suppressing sales and market value and pose a safety threat to all that have to go over them.

Shared lane: When I signed my mortgage, I signed off that this was a house that was driven to by use of a shared lane. This lane is a pedestrian space as well as a vehicular space. This shared lane is no one individual homeowner's property to modify or destroy. There was a rumble strip that Ms. Rita Wilson did pull up; it left holes in the pavement and required her to lay down tar to fill them; which is better than it being there. Why remove just the rumble strip? This was the only bump she had to drive over completely; now she can angle her vehicle to the side of the fence and not have to drive four wheels over the speed bump by her driveway.

When I purchased my home I thought that the speed bumps were the result of an argument between Jeniffer Behm and Ms. Rita Wilson; and the departure of Jeniffer Behm would result in an all calm and in the removal of the speed bumps. After living here for over two years I know that that is very much not the case; the speed bumps have nothing to do with speeding, grandchildren, Jeniffer Behm or myself. Ms. Rita Wilson is a pathologically physically aggressive person. To make my point I will share just a few instances of this. I came home one day to find her in my yard removing bramble (which I had cut down and set in a pile in my front yard) to her yard to burn in her backyard! This was done without prior mention, discussion or approval from me. What would you think, what would you feel, what would you do if you came home to find a neighbor in your yard taking stuff out of it? Also, she has a plow on the front of her truck that she dumped ice chunks in the front of her house between the speed bumps (I have pictures of this) - icy shards that I had to drive over. She backs her plow truck into the space in front of my home, pushes around and packs down the snow to plow the part of the lane in front of her house. Also, recently while my daughters and I were going for a walk she approached me from behind and said to me "you have to drive slower - I have my grandchildren out." (They're not there.) I thought to myself; Wait a second! You mean me driving anywhere, day in and day out, from seven to 13 mph on this lane, with your speed bumps, is too fast? I just walked away from her. And seemingly from an argument and confrontation that she wanted to have with me in front of my daughters - my family, while I'm trying to go for a relaxing walk with them. Not only is Ms. Rita Wilson pathologically physically aggressive, she is also verbally abusive and pushy. Trolling this space is her modus operandi.

The restraining order Jenifer Behm has out on Ms. Rita Wilson now makes sense, along with, when I first saw the home, Jenifer Behm's several no trespassing signs in the front yard and a camera placed outside her house by the front door. Ms. Rita Wilson was successful in abusing Jennifer Behm and pushing her out, she has also caused the same dissatisfaction in current living standards with the Buzzell's and myself. I have not been able to get comfortable or feel like this is "home" for my family due to her ill behavior. The speed bumps are difficult to push my trash can, wheel barrel, ride my bike over and at night they are anxiety producing since they can't be seen! I have tripped over them many times. Ms.
Rita Wilson has placed steel u-channel posts next to the speed bumps - not only do I have to worry about tripping but there is a concern of tripping and falling onto one of these steel posts!

These speed bumps are driven and walked and biked over by USPS, Fed Ex, UPS, delivery drivers, family and friends.

The Buzzel's view the speed bumps as stop- bumps and stop in front of them before rolling over them, I suspect, in an effort to appease Ms. Rita Wilson and protect the alignment/suspension/frame on their trucks.

The Buzzels’ now have a grandchild that is around a year old. How does this little guy walk over these bumps? How is he to peddle his tricycle over them? How do his parents push a stroller with him in it over these bumps? There is no sidewalk or bike path - residents are forced to walk over these speed bumps and the anxious feeling that it produces is claustrophobic and one of being hemmed into a treacherous space that you have to traverse. Traverse day in and day out - morning, noon and night!

I have filed a report with the Ottawa County Sheriff's office (Spring Lake). Deputy Corey Allard was professional and kind. Case #20-07280096. As I was leaving I passed Deputy James Dyer and he asked if I needed anything and I explained what brought me to the Sheriff's office. He conveyed to me that Ms. Rita Wilson used to put “logs” in the lane!

This letter is to inform the Village of Spring Lake Board of the unsafe conditions and to ask for the Village Board to ask Ms. Rita Wilson, for the safety and well being of the residents of the Village of Spring Lake, visitors conducting business and friends and family - before anyone gets seriously hurt, post haste, to remove the steel u-channel posts and the grossly dangerous two speed bumps she has laid down.

Thank you,

Michelle Schoemer
Mr. Stordahl,

Your concern is that of many of the homeowners on the lake. The Village and the City of Ferrysburg have partnered to pay for additional marine patrols within our jurisdictions and Spring Lake Township has paid for additional signage and educational materials for boaters and residents. The City and the Village have also amended our zoning ordinances to adjust SNW areas within our jurisdictions.

According to our records, you live at 7426 E. Pine Bluff, which is not located within the Village. Your email has been forwarded to John Nash as you have requested. You may also email him at jnash@springlaketwp.org if you would prefer.

Have a great weekend.

Chris

Christine Burns
Village Manager
102 W. Savidge
Spring Lake, MI 49456
P: 616.842.1393
F: 616.847.1393

-----Original Message-----
From: Dale D Stordahl <dalestordahl@gmail.com>
Sent: Friday, July 24, 2020 12:33 PM
To: Maryann Fonkert <Maryann@springlakevillage.org>; Lori Spelde <Lori@springlakevillage.org>
Subject: Website Contact Form "Hi water on Spring lake and damage to properties"

From: Dale D Stordahl <dalestordahl@gmail.com>
Subject: Hi water on Spring lake and damage to properties

Message Body:
If at all possible I would like to speak to John Nash about the inconsiderate boaters. I live on the main body of the lake up by Hanky Pank bayou. I know that it is supposed to be no wake 200 ft from shore, but that doesn't matter to all the surfer's and tuber's on the lake. The inconsiderate boaters put their $150,000. Dollar Master Craft surf boats on the lake and create 4ft high waves that are destroying our seawalls, docks and property! They pay no taxes to the village (I do!) and we get stuck paying for the damage! I have spoken to several home owners on the lake and we are all experiencing the same problem. Please, if they have to surf, go out to Lake Michigan on a windy day. Please stop all surfing on Spring Lake. I am also a boater.
This e-mail was sent from a contact form on Village of Spring Lake (http://www.springlakevillage.org)
Mr. Terpstra,

Those are not “weeds” at the clock tower, they are Michigan Natives. All flower at various times during the summer/fall season. Here’s more information: https://www.westmichiganglsi.org/native-plants.html

Our DPW will be taking a look at the bike path to ensure weeds are removed.

Sincerely,

Chris
Christine Burns
Village Manager
102 W. Savidge
Spring Lake, MI 49456
P: 616.842.1393
F: 616.847.1393

Caution! This email is from an external address and contains a link. Use caution when following links as they could open malicious web sites.

Thank you for your repose, I had made phone calls to the office - a woman had answered and I was told she would forward this on.....
In the future I will be sure to make a phone log in the event this comes up I can answer your questions.

You have not answered how the clock tower weeds or other area along the bike / walking path that have weeds next to the benches etc. will be cleaned up, thanks

Jeff Terpstra
Outsource Inc.
2900 Wilson Ave Suite 201
Grandville, MI. 49418
Office 616-532-8644
Cell 616-293-3012
www.outsourceinc.net
Mr. Terpstra,

Your email was forwarded to me as you are actually a Village resident. I am curious to know who you’ve spoken with at the Village so that I may address your comment that your complaints have fallen on deaf ears? We take great pride in addressing our inquiries in a timely manner, even if we cannot give you the answer you seek. However, we have no record or your concerns regarding Lakeside Trail (bike path) only issues regarding parking tickets.

The Village has intentionally moved away from manicured gardens and have systematically started installing Michigan Natives in our public spaces. Michigan Natives require less water and attention, serve as food for pollinators and provide habitat for birds, butterflies and bees. The clock tower is tended by a Master Naturalist (volunteer) throughout the summer months. She is, however, in late 70’s and between the heat and COVID, she hasn’t been able to spend as much time in the gardens.

Along the trail, next to your building, was inadvertently missed when DPW crews were doing their annual spring clean-up. Our DPW Director has instructed them to tend to those spaces as soon as possible and as safely as possible with the reroof getting underway.

Fondly,

Chris

Christine Burns
Village Manager
102 W. Savidge
Spring Lake, MI 49456
P: 616.842.1393
F: 616.847.1393
Hello, hope you are having a good week so far.
I live in Spring Lake Township - 917 W Savidge.
There are a lot of weeds and has a messy appearance by the clock and along the
bike paths weeds are by the benches and the parking lots.
Driving through Grandville or Allendale they do a great job of creating a sharp clean
image for their city.
I have contacted the village office and has fallen on deaf ears would you help
contacting the correct people to make our Township get cleaned up, thank you in
advance.

Jeff Terpstra
Outsource Inc.
2900 Wilson Ave Suite 201
Grandville, MI. 49418
Office 616-532-8644
Cell 616-293-3012
www.outsourceinc.net
Christine Burns

From: Marv Hinga
Sent: Friday, July 31, 2020 10:13 AM
To: Craig Bessinger
Cc: Christine Burns
Subject: RE: Cares Act Refund

Thank you for that information. I will wait to pay MERS until we receive confirmation the Sheriff’s Office received 100% of the requested reimbursement.

Have a good weekend.

Marv

-----Original Message-----
From: Craig Bessinger <cbessinger@ferrysburg.org>
Sent: Friday, July 31, 2020 10:07 AM
To: Marv Hinga <marv@springlakevillage.org>
Subject: RE: Cares Act Refund

Marv,

The City received the same. I would like to hold off on paying MERS until it is determined the Sheriff's Office receives 100% of the requested reimbursement from the CARES Act, most likely sometime in September.

Craig Bessinger
City of Ferrysburg
17290 Roosevelt Road, P.O. Box 38
Ferrysburg, MI  49409-0038
P: 616-842-5803
C: 616-843-5028

-----Original Message-----
From: Marv Hinga <marv@springlakevillage.org>
Sent: Friday, July 31, 2020 9:57 AM
To: Craig Bessinger <cbessinger@ferrysburg.org>
Cc: Christine Burns <christine@springlakevillage.org>
Subject: Cares Act Refund

Good Morning Craig/Chris,

The attached check arrived in today's mail. The money will be paid to MERS in August and applied to the unfunded Police Pension liability.

Have a good day.

Marv
Two benches installed on the bike path between N. Park and N. Culver Street, Village of Spring Lake.

Mrs. Burns

THANK YOU FOR YOUR SUPPORT

Thank you for helping me achieve this goal.

- Jackson
  Der Vermuelen
Two benches installed on the bike path between N. Park and N. Cutter Street, Village of Spring Lake.

Mrs. Burns

THANK YOU FOR YOUR SUPPORT

Thank you for helping me achieve this goal.

- Jackson
  Der Vermich
President Powers called the meeting to order at 7:00 p.m.

1. **Professional Engineering Report (PER) Proposal (Wally Delamater)** – Moore and Bruggink prepared a proposal to provide necessary documents to USDA for our loan for the water/sewer application.

   Delamater and Ryan Arends, Moore & Bruggink, explained the proposal and process for this USDA loan application. Council agreed this was necessary and this item could be placed on the Consent Agenda.

2. **Savidge Street Water Service Abandonment (Wally Delamater)** – Moore & Bruggink provided a proposal for design engineering for the Savidge Street water service abandonment project. Total design engineering cost is $7,000.

   Delamater gave an overview of the Savidge Street water service abandonment project. Council had no objections and agreed this item could be placed on the Consent Agenda.

3. **Water Main Repair Study (Wally Delamater)** – Moore & Bruggink provided a proposal for engineering services for a Study related to the water main repair between the Holiday Inn and Old Boys Brewhouse. Total engineering services are $3,250.

   Delamater explained that this study would provide options to repair the water main between the Holiday Inn and Old Boys that had been shut off on each side of the road. Council had no objections and agreed this item could be added to the Consent Agenda.

4. **Power Angle Front Plow Purchase (Wally Delamater)** – DPW budgeted $15,000 for a power angle front plow for one dump truck. Lead time to receive the plow is about four months once it is ordered.

   Delamater explained the need and advantages of purchasing a Power Angle Front Plow for one of the dump trucks. Council had no objections agreed this item could be placed on the Consent Agenda.
5. **Auction Items (Wally Delamater)** – DPW Staff provided a list of items that they would like to send to auction.

Delamater shared the list and explained that both the Village and Township had a few items that were no longer used, and they would like to send to auction. Council agreed that these items could be placed on the auction and this item could be added to the Consent Agenda.

6. **Ordinance Change ~ SNW Buoy Placement (Spring Lake)** – Staff has been working with the City of Ferrysburg, Spring Lake Township and the DNR to get adjustments to the Slow No Wake Buoys. The DNR has approved some minor modifications. In order to now move the buoys, an Ordinance change is required.

Burns shared a map showing the proposed adjustments for the Slow No Wake Buoys and asked Council to consider holding a public hearing at the next meeting and adopting as an emergency ordinance so they could get the buoys moved as soon as possible. Council had no objections to this request.

7. **Proposed Fence Removal** – Lilley Cares, acting on behalf of property owner Kim VanKampen, has requested that the Village consider removing a portion of fence that separates Brooklyn Bagels from Lakeside Trail.

Burns explained that Kim VanKampen had commissioned an artist to paint a mural on the north side of Brooklyn Bagels and had also offered the back of the dumpster enclosure for another mural, however, the black chain link fence separating Brooklyn Bagels from Lakeside Trail would hide the murals from the bike path. Stanford-Butler also added that a landscape agreement called for arborvitae to be planted on 3 sides of the dumpster enclosure, so they were asking to plant on just the 2 sides. Council had no objections and agreed this item could be added to the Consent Agenda.

8. **Arrow Waste License Amendment** – Waste Management has sold their accounts in the Village to Arrow Waste. Arrow Waste was not a license residential waste hauler within the Village, although they did service commercial customers. They have modified their application and would like Council to approve their amendments for the remainder of 2020.

Burns explained that if Council approved this amendment for the remainder of 2020, Arrow Waste will need to go through the same process as other waste haulers for next year. TePastte asked if there would be any changes in fees to the residents. Burns said there would not. Council had no objections and agreed this item could be added to the Consent Agenda.
9. **Parks & Recreation Assessment and Management Plan** - The Parks & Recreation Board, with the support of Village Council, solicited RFPs and hired a consultant to perform a Parks Assessment & Management Plan. A link to the document is below:


The P&R Board will review the document and discuss, in detail, at the August meeting. This document will be used to formulate a path forward to update and maintain our natural resources.

**Burns** explained that the Parks & Rec Board would be reviewing and discussing this document at their August meeting and that the purpose of this plan was to determine needed improvements and assign costs which would help demonstrate needs when soliciting donations. **Burns** said she would be meeting with a potential donor and sharing this plan. No Council comment was needed at this time.

10. **Tanglefoot Dock Rentals** - The dock rentals for Tanglefoot are typically in place and ready for use around April 15th. Due to Covid and Executive Orders, that was not possible this year. After much prodding, the docks finally went in on July 9th. Due to the 9-week delay on installation, staff proposed to the P&R Board that rental fees be waived this year. The unanimous recommendation from the board is to waive all rental fees for the boat owners.

**Burns** asked Council to consider waiving the dock rental fees for those that had been reserved for this year due to the docks being installed halfway through the season. **Council** agreed to waiving dock rental fees for this year and placing this item on the Consent Agenda.

11. **Business of the Year Award** - The Chamber of Commerce would like to continue the tradition of naming a Business of the Year, even if we cannot meet in a group to present the award. The recipient of the 2020 award would be invited to the 2021 award ceremony (typically in June) in order to actually receive the plaque. Attached is the list of past recipients.

**Burns** shared the changes for this year’s Business of the Year Award and asked Council to consider which business they would like to see receive the award this year.

12. **Beautification Update** - Darcy Dye is ready to hand over the Beautification Coordinator baton. All parties wish for the transition to be a smooth one and are working towards that goal.
Darcy Dye, said that she would like to go on record saying that she was not the Beautification Coordinator, which was a volunteer position she could not be persuaded to take, but as the Adopt A Garden Program Facilitator, she updated Council on the challenges they faced this spring and summer due to COVID 19 and Executive Orders and what they had and had not been able to accomplish during these difficult times. Dye shared that over the last 3 ½ years she had educated her volunteers on Michigan native plants and, with that knowledge, a large number of volunteers would be stepping down from taking care of the Village and moving on to start projects similar to the Adopt A Garden program in their own communities and churches. Dye explained that she was in a place in her own life where she would like to be involved in a much smaller way such as the upkeep and maintenance of Whistle Stop Park and would be passing the baton of the Adopt A Garden program to Robert Lopez and Lilley Cares with their large numbers of volunteers. Council thanks Darcy for all her hard work with the Beautification and Adopt A Garden programs and hoped she would continue to be involved with the Village. Dye said she would be meeting with Robert and Chris soon to begin constructive planning for what came next.

13. Communications
- Complaint – 111 W. Exchange (Mitchell)
- Complaint – Lakeside Beach (Barfield)
- Millage Signage (Schambarger)
- Project Summary – Holiday Inn Lift Station

Burns reported that, at this time, there was a voluntary ask for residents to limit their lawn watering to an odd/even schedule due to the capacity at the water treatment plant and would keep them updated and information came in.

14. Minutes - Minutes of the June 8, 2020 Work Session and June 15, 2020 regular meeting were attached for review.

15. Public Comment - There was no public comment.

16. Closed Session

Motion by Hanks, second from Petrus, to enter into Closed Session at 7:48 p.m. for the purposes of discussing the Village Manager’s annual performance appraisal and for the purpose of discussing written attorney/client communication related to malicious destruction of Village property.

Yes: 7  No: 0
Resolved that the Village Council meet in executive session for reasons permitted by Section 8(C) of the Michigan Open Meetings Act, MCL 15.268 (e); MSA 4.1800(18)(e); as requested by the Village Manager, to confer with legal counsel on matters permitted by Section (e) of the Open Meetings Act.

There being no further business, Village Council arose form Closed Session at 8:49 p.m.

17. Adjournment: There being no further business, Village Council adjourned the meeting at 8:51 p.m.

_________________________________         _______________________________
Mark Powers, Village President                 Maryann Fonkert, Deputy Clerk
Pursuant to Executive Order No. 2020 – 129, the Village of Spring Lake will conduct its business via conference call to mitigate the spread of COVID-19.

1. **Call to Order**

   President **Powers** called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Roll Call**


   Absent: None

4. **Approval of the Agenda**

   Motion by **TePastte**, second from **Duer**, to approve the agenda as presented.

   Yes: 7 No: 0

5. 

6. **7:04 p.m. Consent Agenda**

   A. Approved the payment of the bills (checks numbered 61207 to 61272 and electronic payments 128 to 132) in the amount of $1,141,202.

   B. Approved the minutes for the June 8, 2020 work session and the June 15, 2020 regular Council meeting.

   C. Approved a proposal from Moore & Bruggink to complete the USDA Preliminary Engineering Report for an amount not to exceed $24,000.

   D. Approved a proposal for design engineering for the Savidge Street water service abandonment project from Moore & Bruggink for an amount not to exceed $7,000.

   E. Approved a proposal for a study related to the water main repair between Holiday Inn and Old Boys from Moore & Bruggink for an amount not to exceed
F. Approved the purchase of a power angle front plow for an amount not to exceed $15,704.

G. Approved of the disposal of items listed, via auction.

H. Approved the removal of 100’ of privacy fencing located behind Brooklyn Bagels at 411 W. Savidge.

I. Approved a residential waste hauler license for Arrow Waste.

J. Approved the waiving of dock rental fees, except for the deposit, for 8 slips and prorate the remaining 4 slips for the remainder of the boating season.

Motion by TePastte, second from Duer, to approve the Consent Agenda as presented.

Yes: 7  No: 0

7.  7:06 p.m. General Business

A. CARES Act Refund for First Responders

Subject: Per Sheriff Kempker, Ottawa County will be issuing the Village/Ferrysburg a check for $75,823 as part of the CARES Act. As of 12/31/19, the Police pension is funded at 66% with a $1,023,152 unfunded pension obligation (see page 17 of the 12/31/19 MERS valuation).

Motion by TePastte, second from Hanks, to apply the full CARES Act refund to the Police division’s unfunded pension obligation.

Yes: 7  No: 0

B. Public Hearing, Ordinance 363 – Amending Chapter 240, Article VIII Marine Safety 240-32 Slow-No Wake Speed Zone.

Subject: This is an ordinance to amend Chapter 240 concerning offenses and providing for an effective date of this ordinance.

President Powers opened the public hearing at 7:08 p.m.

Lee Schuitema, 408 W. Exchange, asked if No-Wake signs could be added along the Grand River area.
Burns said that this Ordinance did not apply to adding signage but rather relocating buoys on the lake and Smith’s Bayou and that she had talked to the Ottawa County Marine Division and they said that the river was buoyed and signed properly.

Robert Lopez, 113 W. Division, said that a large majority of boats were ignoring the no-wake ordinance and anything Council could do to strengthen the ordinance would be appreciated by property owners with lake frontage.

Motion by TePastte, second from Duer, to close the Public Hearing at 7:11 p.m.

Yes: 7  No: 0

Motion by TePastte, second from Duer, to adopt Ordinance 363, an Ordinance amending Chapter 240, Article VIII, Marine Safety 240-32 Slow-No Wake Speed Zone.

Yes: 7  No: 0

8. Department Reports
   A. Village Manager – President Powers asked what the status was of the Ottawa County Sheriff’s Marine patrols on the lake. Burns said that this past weekend was the first time they had utilized any of the funding that Ferrysburg and Spring Lake had pledged for overtime patrol and the weekend before last, they had 4 boats out. Burns said she was waiting for the latest update on ticketing versus warnings.
   
   B. Clerk/Treasurer/Finance Director
   C. DDA
   D. OCSO (none included)
   E. Fire (none included)
   F. DPW
   G. Water (none included)
   H. Sewer
   I. Minutes from Various Board & Committees
      1. Parks & Recreation - June 1, 2020
      2. Planning Commission - May 27, 2020
      3. DDA - June 9, 2020


10. New Business and Reports by Village Council – Angela Stanford-Butler, DDA Director, asked for Council’s permission to use the first 52 feet of the brick wall located to the east of Rotary Drive as a canvas for the remaining 4 high school students that had submitted their art for the Seven Steps Up mural. Stanford-Butler said the students were working on a theme with their art teacher and a way
to coordinate each of the 4 individual sections but have their independent style stand out. Burns reported that the Parks & Rec Board recommended approval. Darcie Dye, Parks & Rec. Board member, shared that the Parks Board had discussed how important it was to get young people invested in the Village and ways that gave them ownership and that this kind of project, that asked them to collaborate and work on a mural that blended their skills, was a wonderful practice session for being involved in a community and made the community a better place. Lee Schuitema, Parks & Rec. Board member, supported Dye’s recommendation.

Council agreed that all of the artwork that had been submitted was wonderful and this was a great project for the young artists to share their work. Hanks asked if the students were required to use the same concepts that had been submitted. Stanford-Butler said the students were submitting new ideas and concepts for this mural and she would bring those ideas back for Council approval.

Motion by TePastte, second from Duer, to allow Spring Lake High School art students use the first 52 feet of the brick wall located to the east of Rotary Drive as a canvas for an Art in the Park mural.

Yes: 7  No: 0

11. Status Report: Village Attorney – No additions


13. Adjournment

Motion by Van Strate, second from TePastte, Village Council adjourned the meeting at 7:25 p.m.

Yes: 7  No: 0

Mark Powers, Village President    Maryann Fonkert, Deputy Clerk