

ORDINANCE NO. 264

ZONING TEXT AMENDMENT ORDINANCE

**AN ORDINANCE TO AMEND THE SPRING LAKE
TOWNSHIP ZONING ORDINANCE REGARDING
ADMINISTRATIVE DEPARTURES FOR WETLAND
SETBACKS; AND TO PROVIDE FOR THE EFFECTIVE
DATE OF THIS ORDINANCE.**

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

Section 1. Administrative Departures for Wetland Setbacks. Section 357.D of the Spring Lake Township Zoning Ordinance (the "Zoning Ordinance") shall be restated in its entirety as follows.

- D. Method of review for proposed Administrative Departure in wetland setback:
1. The Zoning Administrator, Township Wetland Consultant, and, if they become involved, members of the Board of Appeals, may make reasonable entry upon lands and waters within the Township for the purposes of making any investigation, inventory, or study necessary to evaluate a Wetland Setback Administrative Departure application.
 2. Prior to conducting an assessment of a Wetland Setback Administrative Departure application, the Zoning Administrator shall ensure that all required information and payment of the appropriate fee have been submitted. Permit applications will be reviewed for completeness of information within fifteen (15) days of submittal of the application with the appropriate fee. If an application is not complete, the applicant may be granted additional time to complete the application, provided that the additional time shall not be charged against the Township's ninety (90) day time limit for making a decision.
 3. Upon receipt of a complete permit application, the Zoning Administrator shall proceed as follows.
 4. The Zoning Administrator shall transmit one (1) copy of the application to the Township Wetland Consultant.
 5. The Zoning Administrator shall either perform or assign the Township Wetland Consultant to perform the following tasks.

- a. Assess the Wetland Setback Administrative Departure application with respect to all applicable Sections of this Ordinance.
 - b. Take photographs of the proposed development area and the Wetland that may be impacted by the proposed activities to help document the physical features of these resources.
 - c. Prepare a report, including verification of the Wetland map on the property involved, and provide recommendations which include, but are not limited to the following:
 - (i) Basis for issuance, modification, or denial of permit application;
 - (ii) Alternative locations, configurations, and methods that could minimize resource impacts to the aquatic and natural resources of the land while still accomplishing the apparent goals of the project;
 - (iii) Other actions that may benefit the Wetland.
6. The Zoning Administrator shall consult with the Township Wetland Consultant, and shall advise the Wetland Review Board members, concerning the permit application. The Zoning Administrator shall meet with the Wetland Review Board to discuss the permit application if the Zoning Administrator decides a meeting is necessary, or if any member of the Wetland Review Board requests such a meeting within five (5) days of the notice from the Zoning Administrator. The consult with the Township Wetland Consultant, and any meeting with the Wetland Review Board, do not require a further inspection of the property, but rather just a review of the permit application as received.
 7. The Zoning Administrator shall approve, approve with conditions, or deny a Wetland Setback Administrative Departure application within ninety (90) days after receipt of a complete permit application. When a Wetland Setback Administrative Departure application is approved, approved with conditions, or denied by the Zoning Administrator, written notice shall be sent to the applicant, and to all persons who have requested notice of the Township's decision. The denial of a permit shall be accompanied by a written reason of denial.
 8. The Zoning Administrator shall send a copy of the decision, inclusive of any maps showing the Wetland on the property, to the applicant.
 9. If the Zoning Administrator does not approve, approve with conditions, or deny the application within ninety (90) days, the application shall be considered approved.

10. The Township has authority to delay processing a Wetland Setback Administrative Departure application, without penalty of exceeding the ninety (90) day time limit, if there is a significant amount of snow cover or frozen ground which limits the ability of the Zoning Administrator or Township Wetland Consultant to accurately assess proposed activities on the property. A letter shall be sent to the applicant explaining the delay. The Township shall continue processing the application, assessing the property and the proposed activities, as soon as site conditions allow.

Section 2. Effective Date. The foregoing amendment to the Spring Lake Township Zoning Ordinance was approved and adopted by the Township Board of Spring Lake Township, Ottawa County, Michigan on May 14, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on May 30, 2018, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

John H. Nash,
Township Supervisor

H. Carolyn Boersma,
Township Clerk

CERTIFICATE

I, H. Carolyn Boersma, the Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on May 14, 2018. The following members of the Township Board were present at that meeting: John Nash, H. Carolyn Boersma, Jim Koster, Ron Lindquist, Cathy Pavick, Jerry Rabideau, and Rachel Terpstra. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board: Nash, Koster, Boersma, Lindquist, Pavick, Rabideau, and Terpstra, voting in favor, and members of the Board: None, voting in opposition. The Ordinance or a summary of the Ordinance was published in the *Grand Haven Tribune* on May 22, 2018.

H. Carolyn Boersma, Clerk
Spring Lake Township