ORDINANCE NO. 276

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE SPRING LAKE TOWNSHIP ZONING ORDINANCE BY RESTATING ARTICLE SIX REGARDING LANDSCAPING AND ADDING ARTICLE 16 REGARDING ARCHITECTURAL STANDARDS; 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. Landscaping. Article 6 of the Spring Lake Township Zoning Ordinance (the "Zoning Ordinance") shall be restated to state in its entirety as follows.

ARTICLE SIX – LANDSCAPING

600 INTENT
The purpose of this Article is to establish minimum standards for the development, installation, and maintenance of landscaped pervious areas. This Article further recognizes that the proper management and use of trees, plants, and other types of vegetation will improve the appearance, value, character, and quality of the living, working, and shopping environment in the Township and will promote resourceful site planning and creative design. In addition, a purpose of this Article is to decrease the amount of energy consumption required for landscaping maintenance, improve air quality, preserve existing trees (see Section 353), and protect quality of life through proper buffering and screening.

601 APPLICABILITY
The regulations of this Article are applicable to all proposed developments requiring a Detailed Site Plan per Section 1001(B). In cases when a Site Plan review is required for the expansion of an existing Structure, all landscaping requirements shall apply. The Applicant may request a modification from the landscape requirements; modifications may be granted by the Planning Commission only upon a finding that innovative planting plans and techniques meet the standards of Section 602.H.

602 GENERAL STANDARDS
The following general standards shall be met by all landscaping and detailed planting plans.

A. Occupancy Certificates: All planting screens and landscape plantings shall be
planted in accordance with an approved planting plan. If a use is ready for occupancy between April 1 and September 30, an occupancy certificate may be issued after compliance with the plan; if a use is ready for occupancy between October 1 and March 31, a temporary occupancy certificate may be issued which shall be subject to revocation if the plantings are not completed by the next following June 1. Plantings between October 1 and March 31 may be approved by the Township based on weather conditions.

B. Corner Clearance: All landscape planting screens are subject to the corner clearance requirements of this Ordinance, as regulated in Section 313.

C. Disturbed Ground Areas: All disturbed ground areas shall be provided with coverage of grass, ground cover, shrubs, or other materials acceptable to the Township.

D. Grass Areas: Grass areas shall be planted and grown as permanent lawns. Grass may be sodded or seeded and mulched, and it shall be protected from erosion by appropriate means until the grass is established.

E. Interior Areas: Required interior landscaped areas of a Parking Lot shall use appropriate barriers (i.e. a concrete or bituminous wheel stop or raised curb, or a similar device).

F. Plantings Condition: The property owner shall be responsible for maintenance of all landscape areas. Landscape areas regulated by this Ordinance shall be kept free from refuse and debris. 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. Unhealthy, withered, severely pruned, diseased or dead plants shall be replaced within one (1) year or 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.

G. Revised Site Plan: No landscaped area may be abandoned, paved, or otherwise employed without submission and approval of a revised Site Plan, in accord with Article Ten.

H. Innovation: The Planning Commission shall consider and may approve detailed planting plans that use innovative planting plans and techniques that may not comply with all of the requirements of this Article if the plan...
substantially preserves and encourages continued conservation of native vegetation, wildlife habitat, and water resources and if the plan results in a landscape scheme that is at least as visually attractive as what would be required and which avoids an unkempt appearance. A portion of the site landscaping should include xeriscaping, or landscaping that conserves water and protects the environment, to reduce water consumption. Xeriscaping may involve the reduction of lawn area through the use of shrub beds, native groundcovers, and wild flowers. It also involves using plants native to the region, and other concepts as may be required by the Planning Commission.

I. Innovation: The Planning Commission shall consider and may approve detailed planting plans that use innovative planting plans and techniques that may not comply with all of the requirements of this Article if the plan substantially preserves and encourages continued conservation of native vegetation, wildlife habitat, and water resources and if the plan results in a landscape scheme that is at least as visually attractive as what would be required and which avoids an unkempt appearance. A portion of the site landscaping should include xeriscaping, or landscaping that conserves water and protects the environment, to reduce water consumption. Xeriscaping may involve the reduction of lawn area through the use of shrub beds, native groundcovers, and wild flowers. It also involves using plants native to the region, and other concepts as may be required by the Planning Commission.

J. Prohibited Plantings: The following non-native invasive plant species shall not be planted anywhere in the Township.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
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<tbody>
<tr>
<td>Butomus umbellatus</td>
<td>Flowering Rush</td>
</tr>
<tr>
<td>Alliaria petiolata</td>
<td>Garlic Mustard</td>
</tr>
<tr>
<td>Acer platanoides</td>
<td>Norway Maple</td>
</tr>
<tr>
<td>Rosa multiflora</td>
<td>Multiflora Rose</td>
</tr>
<tr>
<td>Phragmites australis</td>
<td>Common Reed</td>
</tr>
<tr>
<td>Lythrum salicaria</td>
<td>Purple Loosestrife</td>
</tr>
<tr>
<td>Centaurea biebersteinii</td>
<td>Spotted Knapweed</td>
</tr>
<tr>
<td>Rhamnus cathartica</td>
<td>Common buckthorn</td>
</tr>
<tr>
<td>Rhamnus frangula</td>
<td>Glossy buckthorn</td>
</tr>
<tr>
<td>Eleaganus umbellatus</td>
<td>Autumn olive</td>
</tr>
<tr>
<td>Polygonum cuspidatum</td>
<td>Japanese Knotweed</td>
</tr>
<tr>
<td>Cynanchum louiseae</td>
<td>Black Swallowwort</td>
</tr>
<tr>
<td>Cynanchum rossicum</td>
<td>Pale Swallowwort</td>
</tr>
<tr>
<td>Celastrus orbiculatus</td>
<td>Oriental Bittersweet</td>
</tr>
<tr>
<td>Elymus arenarius</td>
<td>Blue Lyme Grass</td>
</tr>
<tr>
<td>Phalaris arundinacea</td>
<td>Reed canary grass</td>
</tr>
<tr>
<td>Petasites hybridae</td>
<td>Butterbur</td>
</tr>
<tr>
<td>Scientific Name</td>
<td>Common Name</td>
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<tr>
<td>---------------------------------------</td>
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</tr>
<tr>
<td><em>Heracleum mantegazzianum</em></td>
<td>Giant Hogweed</td>
</tr>
<tr>
<td><em>Pastinaca sativa</em></td>
<td>Wild Parsnip</td>
</tr>
<tr>
<td><em>Robinia pseudoacacia</em></td>
<td>Black Locust</td>
</tr>
<tr>
<td><em>Ailanthus altissima</em></td>
<td>Tree of Heaven</td>
</tr>
<tr>
<td><em>Sraxinus Americana/Pencilvanica</em></td>
<td>Ash</td>
</tr>
<tr>
<td><em>Tsuga Pinaceae</em></td>
<td>Hemlock</td>
</tr>
</tbody>
</table>

K. All Lots, including residential, commercial, and industrial, shall be improved with a ground cover such as turf grass or other natural material consistent with the surrounding neighborhood or properties. Landscaped areas shall be properly maintained and in compliance with the Property Maintenance Code (as referenced in the State Construction Code enforced by the Township, or as adopted by the Township from time to time) and in compliance with the approved landscape requirements.

603 DETAILED PLANTING PLAN
Whenever a landscape planting screen or landscape planting is required by the provisions of this Ordinance, a detailed planting plan for the landscape planting screen or landscape planting shall be submitted to the Planning Commission. As used in this Article, a "planting plan" means a diagram of the property, drawn to scale, which shows the locations, nursery plant size, spacing, and descriptions of all the landscape materials proposed for use. The planting plan shall conform to the following standards.

A. Plant Information: The planting plan shall indicate the location; spacing; size of container, root ball, or plant height depending on what is standard for the plant species, single or multi stem for trees; and description of each plant proposed for use in the planting screen. The species scientific name, common name, and cultivar shall be stated. A plant chart shall be provided illustrating plant counts and Ordinance requirements.

B. Scale: The minimum scale for the planting plan shall be one (1) inch equals thirty (30) feet.

C. Contours: Existing and proposed contours shall be depicted with contour intervals not to exceed two (2) feet.

D. Berm: When an earth berm is used in conjunction with a planting screen, the planting plan shall depict typical cross-Sections of the berm, including slope, height, and width of the berm and type of ground cover. If masonry or concrete walls are used in conjunction with the earth berm, the height, type of construction, and footings of the walls shall also be shown in cross-Section.

E. Construction: The planting plan shall depict significant construction regarding specific site conditions (e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.).
F. Existing Tree Cover: The planting plan shall indicate existing tree cover that is used in conjunction with, or in place of, the landscaping requirements of this Ordinance, including species, Diameter Breast Height, and approximate height of trees. Existing trees to be used in conjunction with the landscaping requirements shall be protected during the construction process by protecting the trees from excavation or soil compaction within their Driplines.

G. Screen: The proper spacing, height, placement, and location of plant materials and trees shall insure that their height and width has the required horizontal and vertical screening effect.

H. Staggering: When plants or trees are placed in two (2) or more rows, the plantings shall be staggered or grouped to maximize the screening effect.

I. Non-Interference: The choice, selection, and location of plants and trees (including roots) shall not interfere with public utilities or constitute a public nuisance for Streets or Private Roads.

J. Selection: The plants and trees selected shall be able to survive and thrive in the area in which they are to be located.

K. Evergreen Trees: Evergreen trees shall be at least six (6) feet in height and shall be planted a minimum of eight (8) feet from the next tree in the planting. The word "apart" means that the distances are measured from tree center to tree center. Evergreen trees shall be planted at least ten (10) feet from overhead utility lines.

L. Deciduous or Canopy Trees: Deciduous or canopy trees shall have a trunk caliper of at least two (2) inches diameter at Diameter Breast Height and shall not be planted less than twenty (20) feet from the next deciduous or canopy tree in the planting area. Deciduous or canopy trees shall be planted at least ten (10) feet from overhead utility lines.

M. Tree Removal: Any proposed removal of Protected Trees shall be depicted on the Site Plan and planting plan to be reviewed and approved in accordance with Section 353.

604 LANDSCAPE REQUIREMENTS

A. Parking Lots: A Parking Lot with ten (10) or more Parking Spaces shall provide the following landscaping within the Parking Lot.
   1. One (1) tree shall be required per ten (10) Parking Spaces, or fraction thereof.
   2. No Parking Space shall be more than one hundred (100) feet from a
tree.
3. At least seventy-five (75) percent of the required trees shall be deciduous trees.
4. Tree planters or islands may serve as rain garden areas allowing surface water to drain to the planting area prior to a storm water catchment system. The minimum size of tree planters or islands shall be thirty-six (36) square feet per tree.
5. Parking Lots that exceed ten thousand (10,000) square feet in area shall have interior landscaping located in such a manner that they break up the expanse of the paving. At least one (1) square foot of landscape area shall be provided for each fifteen (15) square feet of Parking Lot.

B. Screening of Parking Lots and Maneuvering Lanes:
1. Parking Lots and Maneuvering Aisles shall be effectively screened from adjacent Streets, and from adjacent land by a ten (10) foot wide Greenbelt along each Street Frontage and property line. For every fifty (50) linear feet of Greenbelt, as measured along the property line, a minimum of one (1) deciduous tree, two (2) flowering landscape trees, and two (2) evergreen trees shall be provided. Additional screening may be required as determined by the Planning Commission with guidance from the Township landscape architect, as requested. Existing trees and woodlots may serve as the Greenbelt if approved by the Planning Commission, following a determination that the existing trees and woodlots would meet the requirements of this subsection concerning screening and aesthetics. Parking is prohibited within the Greenbelt area.
2. Remaining ground area shall be covered with living vegetative materials, such as grasses, vines, spreading shrubs, or flowering plants; or with properly maintained ground cover material such as shredded bark, bark chips, or landscape stone.

C. Building foundations facing a Street shall be improved with foundational landscaping, as approved by the Planning Commission, to enhance the appearance of the Building.

D. Any Fence must be shown on the Site Plan, including details on materials, color, and section and elevation drawings.

E. All Ground Mounted Signs shall provide foundational landscaping as approved by the Planning Commission.
F. Dumpster enclosures shall be landscaped with shrubs or evergreens on all three sides when visible from a Street or adjacent Lots.

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G. Street trees shall be planted within the Street right of way as allowable and/or approved by the appropriate Street agency (i.e. the Ottawa County Road Commission or the Michigan Department of Transportation). Street trees shall be deciduous and shall be planted every fifty (50) feet, or portion thereof. Street trees shall be located in a manner to meet the intent of clear vision corners at intersections.

H. All HVAC, other mechanical fixtures, and utility structures shall be located in an enclosure or properly screened with year-around greenery, as approved by the Planning Commission.

I. Existing large healthy trees on the Lot shall be protected as far as practical, as determined by the Planning Commission according to the objectives of the Applicant seeking Site Plan approval, with an emphasis on retention of trees in the Lot’s Yards. For Lots located on M104/Cleveland Avenue, any tree over twelve (12) inches at Diameter Breast Height shall be illustrated on the Site Plan. Large healthy trees and tree stands along M104 are a priority to preserve to enhance the aesthetic quality of the corridor. No trees larger than twelve (12) inches at Diameter Breast Height shall be removed from the Lot unless approved by the Planning Commission. Removal of trees over twelve (12) inches at Diameter Breast Height in a Yard shall be replaced with an equal number of trees with a minimum of three (3) inches at Diameter Breast Height, as approved by the Planning Commission. Planting of new Street trees is not required when existing trees are preserved along the Street, according to the Planning Commission when enforcing the requirements of this Article.

J. Trees located within the Street right of way shall not be removed except as illustrated on the approved landscaping plan or Site Plan.

605 PLANTING PLAN REVIEW PROCESS

A. Plan Review: The detailed planting plan shall be reviewed by the Planning Commission and approved if it satisfies the requirements of this Article. The detailed planting plan may be reviewed by a landscape architect or landscaper at the request of the Planning Commission or Zoning Administrator, with the cost of such review borne by the Applicant. The Zoning Administrator shall select the landscape architect or landscaper.

B. Variation: The Planning Commission may approve any actual planting variation which it deems to be equal to or superior to the original detailed planting plan review.

C. Site Inspection: The Zoning Administrator shall perform an on-site inspection to insure the detailed landscaping plan has been satisfied.
D. Sustainability: To approve a proposed detailed planting plan, the Planning Commission must first find that the detailed planting plan would result in a landscaped environment which will improve the appearance, value, character, and quality of the living, working, and shopping environment in the Township, while also resulting in improved air quality through tree planting and reduced energy and water consumption through creative design and resourceful site planning.

Section 2. Architectural Standards. Article 16 of the Zoning Ordinance shall be added to state in its entirety as follows.

ARTICLE SIXTEEN – ARCHITECTURAL STANDARDS

1600 APPLICABILITY
The following standards shall apply to a Lot in a Mixed Use Commercial, General Commercial, or Neighborhood Commercial Zoning District when the Applicant proposes to make one (1) or more of the following improvements (i.e. "Covered Development"):  

A. Alteration of existing Principal Building requiring Site Plan approval; or  
B. New construction (including tear down redevelopments).

1601 INTENT
All proposed Covered Development shall utilize quality architecture to ensure a Building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high quality image. The Planning Commission shall have the authority to approve or disapprove an architectural design that satisfies this intent, regardless of compliance with the specific standards in this Article. The Applicant and the Applicant’s design professionals are encouraged to submit or present architectural concepts and alternatives at a study session with the Zoning Administrator or the Planning Commission or both, and to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs, or other graphic materials. Architecture for Covered Development shall be reviewed by the Planning Commission as a part of Site Plan review under the criteria of this Article.

1602 STANDARDS

A. A minimum of eighty percent (80%) of the exterior finish material of all Building facades (excluding the roof and window areas) visible from the Street, Private Road, Parking Lot, or adjacent residentially zoned land, shall
consist of:

1. facing brick;
2. cut stone;
3. split face block;
4. fluted block;
5. scored block;
6. native fieldstone;
7. cast stone; or
8. wood with an opaque or semi-transparent stain, or bleaching oil.

Any other block or Building material not specifically listed may be reviewed and approved by the Planning Commission upon determination that the block or material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high quality image to those traveling through the Township.

B. The remaining maximum twenty (20) percent of the Building’s facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon), or Exterior Insulation and Finishing Systems ("EIFS"). The Planning Commission may permit other materials for facades not visible from a Street that are adequately screened from adjoining Lots.

C. Front Building facades shall provide a minimum twenty-five (25%) percent glass windows but shall not exceed eighty (80%) percent glass. Calculations are exclusive of the roof area.

D. Covered Development that currently utilizes EIFS as the primary Building material and which is being renovated or expanded, or which is simply being maintained on a Lot which is subject to Site Plan review, may continue to use EIFS, if the Planning Commission determines it will be compatible with the surrounding properties. In such cases where EIFS is used as the primary Building material for a renovation or expansion, other materials such as brick, stone, or decorative block shall be used for architectural detailing.

E. Buildings with walls over fifty (50) feet in length shall be broken up with items such as varying rooflines, varying Building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary Building materials, and landscaping.

F. Rear and side Building facades shall be constructed to a finished quality comparable to the front façade where the rear or side facade is visible to a Street or a Lot used or zoned residentially.
G. Buildings shall be a minimum of two (2) stories, or mimic two (2) stories in design.

H. Roofs:

1. Roof shape and materials shall be architecturally compatible with adjacent Buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character of the Building and architectural elements are used to significantly reduce the roof mass when viewed from the Street.

2. Rooflines shall be varied using dormers, gables, uneven peaks, or other features.

I. Building entrances shall utilize windows, canopies, awnings, or any combination of them; the entrances shall provide unity of scale, texture, and color, as well as a sense of place.

J. Rooftop equipment shall be illustrated on the plans for a Covered Development, and it shall be screened from view by parapet walls or other architectural elements that complement the overall Building design.

K. Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal Building such as peaked roofs, shingles, and support structures that match or simulate materials of the principal Building. Lighting fixtures shall be fully recessed into the canopy and in neutral colors.

L. Any neon lights or permanent ornamental lights must be shown on the plans for a Covered Development and found to be complementary to the overall design of the Building and approved as part of the Site Plan approval. Neon and ornamental lights proposed to be used as an architectural detail shall be indicated on the Building elevation and must be specifically found by the Planning Commission to be compatible with surrounding properties.

M. With respect to Covered Development due to major changes in Use (i.e. a permitted Use is replaced by a Special Land Use, a Special Land Use is replaced by a different Special Land Use, or the Lot is rezoned to allow a different permitted Use or Special Land Use) and renovations due to disaster (e.g. fire, flood, tornado, etc.), the Planning Commission shall have the discretion to require less than full compliance with the intent as described in Section 1601. To make that determination, the Planning Commission must find that partial compliance with the intent described in Section 1601 and fairness to the Applicant will allow the Township to satisfy the purposes of
Section 101 of this Ordinance without demanding full compliance with the intent of Section 1601.

N. Examples of facing brick, cut stone, split face block, fluted block, native fieldstone, cast stone, EFIS, and brick pillars are pictured as follows.
Facing Brick
Cut Stone
Split face block
Fluted Block
Native Fieldstone
Cast Stone
EFIS on right side. (Exterior Finish and Insulation Systems)
Brick Pillars to match building
Section 3. 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 December 9, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on December 24, 2019, 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 December 9, 2019. The following members of the Township Board were present at that meeting: John Nash, Carolyn Boersma, Jim Koster, Ron Lindquist, Catherine Pavick, Jerry Rabideau, 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: Boersma, Koster, Lindquist, Pavick, Rabideau, Terpstra, Nash voting in favor and no members of the Board voting in opposition. The Ordinance or a summary of the Ordinance was published in the Grand Haven Tribune on December 16, 2019.

H. Carolyn Boersma, Clerk
Spring Lake Township