

ORDINANCE NO. 285

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE SPRING LAKE TOWNSHIP ZONING ORDINANCE BY RESTATING SECTION 348 REGARDING RETAINING WALLS; 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. Section 348 Restatement. Section 348 of the Spring Lake Township Zoning Ordinance (the “Zoning Ordinance”) shall be restated in its entirety as follows.

Section 348 RETAINING WALLS

- A. Any Retaining Wall or Series of Retaining Walls greater than four (4) feet in height requires a zoning permit prior to installation.
 - 1. A Series of Retaining Walls is a group of Retaining Walls (two or more) in close proximity to one another.
 - 2. “Close Proximity” for this Section means that any Retaining Wall in the Series is separated from another Retaining Wall in the Series by a horizontal distance no greater than the height of either Retaining Wall.
- B. Height.
 - 1. The height of a Retaining Wall shall be measured from the ground level at the base of the Retaining Wall to the highest point of the Retaining Wall.
 - 2. A Series of Retaining Walls shall be considered one (1) Retaining Wall. The overall height shall be determined by measuring from the ground level at the base of the lowest Retaining Wall in the Series to the highest point of the highest Retaining Wall in the Series.
 - 3. A Retaining Wall or a Series of Retaining Walls shall not exceed eight (8) feet in height unless required as part of a walk out basement or as otherwise reviewed by the Township Engineer and approved by the Zoning Administrator.
- C. Setbacks.

1. A Retaining Wall which does not at any point exceed four (4) feet in height must have a Setback of at least two (2) feet from all Lot lines.
2. For any portion of a Retaining Wall which exceeds four (4) feet in height, such portion must meet all applicable Setbacks for the Lot in the designated Zoning District.
3. The minimum Setbacks described above apply whether the Retaining Wall is attached to a Building or other Structure or is freestanding.
4. A guardrail, or a fence that meets the requirements in Section 324, may be placed on top of a Retaining Wall and shall not be considered as part of the height of the Retaining Wall.
5. A Retaining Wall may terminate at a Lot line if it directly abuts a Retaining Wall on the adjacent Lot that is similar in height.

D. General Design Standards.

1. The placement, location, and design of a Retaining Wall shall not modify or alter drainage patterns.
2. Excavation needed for the placement, location, and design of a Retaining Wall or Series of Retaining Walls shall not cause the removal of or damage to trees or vegetation on an adjacent Lot. If necessary, a non-disturbance area will be specified by the Township.
3. A Retaining Wall or Series of Retaining Walls shall not be installed in a manner that would effectively serve as a solid fence or visually restrictive barrier along a Lot line.
4. A Retaining Wall or Series of Retaining Walls shall not create a significant grade change inconsistent with the adjacent property.

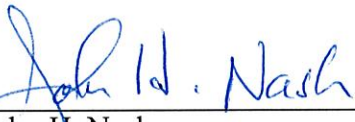
E. Retaining Walls on Waterfront Lots.

1. A Retaining Wall or Series of Retaining Walls on a Waterfront Lot is common due to naturally existing conditions such as soil composition and significant elevation/topographical change between the top of the slope and the water's edge. Given these potentially unique circumstances, a Retaining Wall or Series of Retaining Walls greater than four (4) feet in height within the required Setbacks for the Lot may be necessary to preserve the Lot as well as provide adequate waterfront access. After review by the Township Engineer, the Zoning Administrator may approve the intrusion into the Setback, provided the intrusion is the minimum amount necessary to preserve the Lot and provide adequate waterfront access.


2. Retaining Walls between a Dwelling and Lake Michigan, Spring Lake, or the Grand River are subject to the following additional regulations.
 - a. Any proposed Retaining Wall or Series of Retaining Walls over four (4) feet in height shall be reviewed by the Township Engineer. If the Zoning Administrator then determines that the proposed Retaining Wall or Series of Retaining Walls is necessary to preserve the Lot and its reasonable use, and will not cause unreasonable detriment to any adjacent Lot, the Zoning Administrator will approve the Retaining Wall or Series of Retaining Walls.
 - b. Replacement of an existing Retaining Wall or Series of Retaining Walls exceeding four (4) feet in height within the required setback of the Lot may be permitted if reviewed by the Township Engineer, who shall consider if the replacement Retaining Wall or Series of Retaining Walls maintains existing slopes on the Lot that are consistent with adjacent property, and if then approved by the Zoning Administrator.

F. Township Engineer Review. The costs of any Township Engineer review required by this Section shall be reimbursed to the Township by the applicant.

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 February 28, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on March 17, 2022, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.



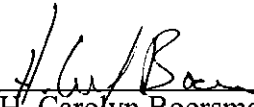
John H. Nash,
Township Supervisor



H. Carolyn Boersma,
Township Clerk

CERTIFICATE

I, H. Carolyn Boersma, the Clerk for the Township of Spring Lake, Ottawa County, Michigan, certify that the foregoing Spring Lake Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on February 28, 2022. The following members of the Township Board were present at that meeting: John Nash, Carolyn Boersma, Cathy Pavick, Ernie Petrus, Jerry Rabideau. The following members of the Township Board were absent: Jim Koster, Ellen Pearn. The Ordinance was adopted by the Township Board with members of the Board: John Nash, Carolyn Boersma, Cathy Pavick, Ernie Petrus, Jerry Rabideau voting in favor and members of the Board: no members voting in opposition. The Ordinance or a summary of the Ordinance was published in the *Grand Haven Tribune* on March 9, 2022.



H. Carolyn Boersma, Clerk
Spring Lake Township