

ORDINANCE NO. 383

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE VILLAGE OF SPRING LAKE ZONING ORDINANCE, CHAPTER 390 OF THE CODE OF THE VILLAGE, TO REVISE OR ESTABLISH DEFINITIONS FOR ASSEMBLY, BREWPUB, SMALL DISTILLERY, MICROBREWERY, RESTAURANTS WITH ASSEMBLY OPERATIONS, AND SMALL WINE MAKER, AND TO ESTABLISH SPECIAL USE STANDARDS FOR RESTAURANTS WITH ASSEMBLY OPERATIONS.

THE VILLAGE OF SPRING LAKE, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Assembly Definition. Section 390.7.01 of the Spring Lake Village Zoning Ordinance (the "Zoning Ordinance"), shall be amended to include the following definition. (The rest of Section 390.7.01 shall remain unchanged).

ASSEMBLY: Buildings, structures, and premises used for the combining of parts, the manufacturing of products, and the blending of materials, 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

Section 2. Brewpub Definition. Section 390.7.02 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definition. (The rest of Section 390.7.02 shall remain unchanged).

BREW PUB: An eating or drinking establishment which includes the brewing of beer or ale licensed in accord with Section 105 of Act 58 of 1998 (MCL 436.1105(15)), as amended.

Section 3. Small Distillery Definition. Section 390.7.04 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definition. (The rest of Section 390.7.04 shall remain unchanged).

DISTILLERY, SMALL: An establishment that manufactures spirits licensed in accord with Section 111 of Act 58 of 1998 (MCL 436.1111(11)), as amended. A small distillery may also include retail sales, and/or a restaurant, bar, or tasting room.

Section 4. Microbrewery Definition. Section 390.7.13 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definition. (The rest of Section 390.7.13 shall remain unchanged).

MICROBREWERY: An establishment licensed by the State of Michigan to manufacture beer in accord with Section 109 of Act 58 of 1998 (MCL 436.1109(5)), as amended. A microbrewery may also include retail sales, and/or a restaurant, bar, or tasting room.

Section 5. Restaurant Definitions. Section 390.7.18 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definitions. (The rest of Section 390.7.18 shall remain unchanged).

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

RESTAURANTS WITH ASSEMBLY OPERATIONS: Restaurants containing Microbreweries, Small Distilleries, or Small Wineries as an assembly operation.

Section 6. Small Wine Maker Definitions. Section 390.7.18 of the Spring Lake Village Zoning Ordinance shall be amended to include the following definitions. (The rest of Section 390.7.18 shall remain unchanged).

WINE MAKER, SMALL (SMALL WINERY): An establishment that manufactures wine licensed in accord with Section 111 of Act 58 of 1998 (MCL 436.1111(11)), as amended. A small wine maker may also include retail sales, and/or a restaurant, bar, or tasting room.

Section 7. Restaurants with Assembly Operations. Section 390.137.30 of the Spring Lake Village Zoning Ordinance shall be inserted to include the following definitions. (The rest of the Section shall be subsequently renumbered but retain the same content).

- A. The proposed assembly use shall be contingent upon the established restaurant use. The Planning Commission may determine that the assembly portion of the use is sufficiently large enough to be considered a separate principal use.
- B. As applicable, facilities must obtain all required County, State, and Federal approvals. Copies of all approvals must be submitted to the Village. If an approval cannot be obtained prior to Special Use approval, then that approval will be a condition of the Special Land Use, and a copy of the approval must be submitted prior to the issuance of a building permit.
- C. Any products used in the process may be stored in a detached building, provided that:
 1. Any such structure complies with the setback requirements for the district in which it is located.
 2. All buildings are compatible in character and materials.
 3. No outdoor storage of materials is permitted.
 4. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours which shall occur in the designated loading zone or designated parking area.
- D. The applicant shall demonstrate why the proposed use will not adversely impact other uses in the vicinity and particularly those on adjacent lots.
- E. 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.
- F. 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.
- G. The Planning Commission reserves the right to require buffering, screening, Setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.
- H. Federal, State and local agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect

discharges, shall be allowed without appropriate State, County and Village permits and approvals.

- I. If any hazardous materials are to be stored on the site or used in any 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.
- J. Any storage facilities shall provide adequate security and Signage to notify the public of any hazardous materials and to prevent trespass.
- K. 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 8. Effective Date.

This amendment to the Code of the Village of Spring Lake, Ottawa County, Michigan, was approved and adopted by the Village Council on May 15, 2023, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on May 27, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of this amendment in the *Grand Haven Tribune*, as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

VILLAGE OF SPRING LAKE

Dated: May 15, 2023

By: _____
Joel TePastte
Its: President Pro Tempore

By: _____
Marvin Hinga
Its: Clerk

CERTIFICATE

I, Marvin Hinga, the Clerk/Treasurer for the Village of Spring Lake, Ottawa County, Michigan, certify that the foregoing Village of Spring Lake Zoning Text Amendment Ordinance was adopted at a regular meeting of the Village Council held on May 15, 2023. The following members of the Village Council were present at that meeting: Abbott, Duer, Roggenbau & TePastte and Van Leeuwen-Vega. The following members of the Village Council were absent: Petrus and Powers. The Ordinance was adopted by the Village Council with members of the Council: Abbott, Duer, Roggenbau & TePastte and Van Leeuwen-Vega voting in favor and no members of the Council voting in opposition. Notice of Adoption of the Ordinance was published in the Grand Haven Tribune on May 19, 2023.

Marvin Hinga, Clerk
Village of Spring Lake