

CHARTER TOWNSHIP OF JAMESTOWN  
COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 16th day of November, 2020 at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Brouwer, Miller, Oskin and Tacoma

ABSENT: Members: Altman

The following Ordinance was offered by Member Bergwerff and supported by Member Tacoma.

ORDINANCE NO. 20-006

AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE CHARTER TOWNSHIP OF JAMESTOWN

[Waterton Station Planned Development]

THE CHARTER TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. **Planned Development.** Section 5.1 of the Zoning Ordinance of the Charter Township of Jamestown, being the Zoning Map, is hereby amended so as to rezone the following described lands from its current R-2 Residential Zoning District to a Planned Development (PD) District, in accordance with the Development Plan (defined in Section 2(a), below) of Waterton Station (the "Development"). The property is described as follows:

PART OF NW 1/4 COM S 02D 58M 55S W 725 FT FROM N 1/4 COR, TH CONT S 02D 58M 55S W 1925.97 FT, TH S 89D 59M 51S W 1415.78 FT ALG E&W 1/4 LI, TH N 02D 49M 58S E 300 FT, TH S 89D 59M 51S W 250 FT, TH N 02D 49M 58S E 2361.27 FT ALG W LI OF E 5/8 OF NW 1/4, TH S 89D 38M 17SE 462.19 FT ALG N SEC LI, TH S 02D 58M 55S W 300 FT, TH S 89D 38M 17S E 350 FT, TH N 02D 58M 55SE 300 FT, TH S 89D 38M 17S E 660 FT ALG N SEC LI, TH S 02D 58M 55S W 320 FT, S 32D 45M 43S W 100.57 FT, S 02D 58M 55S W 320 FT, TH S 89D 38M 17S E 250 FT TO BEG, EXC COM NW COR OF E 20A OF W 1/2 OF NW 1/4, TH E TO PT 1210 FT W OF N 1/4

COR, TH S 50 FT, W TO PT S OF BEG, TH N 50FT TO BEG (L4659 P949). SEC 10 T5N R13W.

AND

W 3/8 OF NW 1/4 EXC COM 1932 FT S OF NW COR, TH S 179.4 FT, E 333 FT, N 179.4 FT, W 333 FT TO BEG, ALSO EXC N 50 FT, ALSO EXC W 50 FT OF S 80 FT OF N 130 FT THEREOF. SEC 10 T5N R13W.

AND

PART OF NW 1/4 COM AT N 1/4 COR, TH S 02D 58M 55S W 725 FT, N 89D 38M 17S W 250 FT, N 02D 58M 55S E 320 FT, N 32D 45M 43S E 100.57 FT, N 02D 58M 55S E 320 FT, TH S 89D 38M 17S E 200 FT ALG N SEC LI TO BEG. SEC 10 T5N R13W 3.74 AC.

Section 2. Terms and Conditions of the Planned Development. The rezoning of the above-described lands to the Planned Development District, in accordance with the Development Plan is expressly subject to all of the following terms and conditions:

(a) Development Plan. The Development Plan collectively includes: the bound book labeled "Waterton Station Final PD Submittal" submitted by Nederveld, Inc., (the bound book includes a review letter addressed to Lindsay R. Mohr, dated September 21, 2020, a cover letter addressed to Mr. Gregory Ransford, Planner, dated August 27, 2020; a Waterton Station Project Location Map, undated; Waterton Station Narrative, undated; Planned Development Deviations/Departures, undated, Final PD Plan Information, undated; Two (2) pages of photos of the Architectural Styles of the Townhomes and Assisted Living, Architectural Style elevations of the Independent/Senior Living Villas, eighteen (18) elevations and nine (9) floor plans provided by InterraHomes, eighteen (18) elevations and ten (10) floor plans provided by JTB Homes, undated; Proposed Protective Covenants for Waterton Station as submitted by the Developer, undated (the "Restrictions"); the Planned Development application dated November 26, 2019; Waterton Station Property Description; Three (3) pages of the Waterton Station Property Ownership

Information ; a drawing provided by Nederveld, Inc. labeled “Waterton Station Final PD Illustrative Rendering” with a final revision date of September 20, 2020 containing Sheet C-200 Existing Conditions, C-201 Site Plan Layout, C-204 Grading & Utilities Plan, L-100 Landscape Plan; Waterton Station Traffic Impact Study Final Report dated May 27, 2020 provided by Wade Trim, collectively submitted in connection with the application for the Planned Development District rezoning for the development and as attached hereto and made a part hereof (Appendix).

(b) Nature of Development; Summary of Development Plan. The Development is comprised of: 196 new single family residential lots; 171 condominium homes; 79 townhomes; streets; internal sidewalks; an internal bicycle pathway; street trees; street lights; open space including professionally landscaped open space corridors, a wooded ravine, and linear greenway; and a storm water detention pond. Each detached single family residential lot shall be as delineated on the Development Plan and shall be used only for one single family detached dwelling and for residential purposes and such accessory uses as indicated herein and permitted under the provisions of Section 3.2 of the Zoning Ordinance.

The summary of the Development Plan and applicable provisions to the Development pursuant to this Ordinance are set forth in the table below:

Table 1 – Summary of Development Plan	
Minimum lot area of Single-Family Residential Units	9,700 square feet
Minimum lot width of Single-Family Residential Units	65 feet
Maximum Building Height of Single-Family Residential Units	35 feet or 2 ½ stories, whichever is greater as measured by the Zoning Ordinance
Minimum Front Yard Setback of Single-Family Residential Units	30 feet (Except front yards of corner lots will be reduced to 20 feet along one frontage)
Minimum Side Yard Setback of Single-Family Residential Units	8 feet
Minimum Rear Yard Setback of Single-Family Residential Units	35 feet (Except for lots 57 & 58 which will have 25 feet)
Total Acreage	151.15 acres
Total Residential Net Acreage	135.45 acres
Total Number of Lots	197 Lots including 1 Remainder Lot
Total Number of Condominium Units	171 Condominium Units
Total Number of Townhome Units	79 Townhome Units
Density (based on net acreage)	3.18 units per acre
Minimum Condominium Building Separation (Foundation Wall to Foundation Wall)	16 feet
Minimum Condominium Driveway Length (Sidewalk to Garage or Roadway to Garage)	24 feet
Minimum Rear Condominium Setback (Deck to Property Line)	30 feet
Minimum Townhome Building Separation (Foundation Wall to Foundation Wall)	16 feet
Minimum Townhome Driveway Length (Sidewalk to Garage or Roadway to Garage)	24 feet
Minimum Townhome Rear Setback	30 feet (except from 24 <sup>th</sup> Avenue Right of Way, 25 feet)
Total Residential Open Space	1,313,841 square feet (21.5%)
Internal Street Trees	1 per every 50 feet of street frontage
Internal Street Lights	1 per every 500 feet of street frontage
Senior Living Acreage	10.79 acres
Senior Assisted Living Units	70 Units
Senior Independent Living Units	46 Units
Senior Living Area Open Space	129,338 square feet (27.5%)
Phase 1A	Lots 1-19, 85, 86, 101, 118-123
Phase 1B	Condominium Units 33-51
Phase 1C	Condominium Units 92-97 and 160-171
Phase 2	Lots 87-100, 124-134, and 196
Phase 3	Condominium Units 15-32 and 52-57

Phase 4	Condominium Units 98-106 and 152-159
Phase 5	Lots 20-33 and 67-84
Phase 6	Lots 102-117
Phase 7	Condominium Units 107-125 and 149-151
Phase 8	Condominium Units 58-82
Phase 9	Townhome Units C-H and Q-T, Assisted Living Facility, and Independent Living Villas SL1-12
Phase 10	Units 135-138, 149-169, and 191-195
Phase 11	Units 38-60
Phase 12	Condominium Units 126-148
Phase 13	Condominium Units 1-14 and 83-91
Phase 14	Townhome Units A, B, I-P, and U
Phase 15	Lots 139-148 and 170-190
Bike path	Internal
Internal sidewalk	5 feet in width

(c) Boundaries and Lot Areas. The boundaries of the Development and the lot area for all lots within the Development shall be as shown on the Development Plan and as described in Section 2(b) of this Ordinance.

(d) Site Access and Streets. Access to the Development shall be from Quincy Street, 24<sup>th</sup> Avenue, and Greenly Street as shown in the Development Plan. Street arrangement for other streets in the Development shall be as shown in the Development Plan. The streets within the Development will be public streets and will be constructed according to the street construction standards of the Township Subdivision Ordinance and the Ottawa County Road Commission Subdivision Street Standards.

(e) Development Phasing. The Phasing of the Development shall be accomplished in the manner depicted on the Development Plan and as set forth in Section 2(b) of this Ordinance, subject to the following;

(1) Arrangements for adequate public sanitary sewer and water utilities capacity and infrastructure shall be pursuant to a written development agreement, as more

particularly discussed in Section 2(g) of this Ordinance made between the Township and the Developer.

(2) Approval for each single family residential phase being granted by the Township Board and other agencies having review and approval authority shall be in the form of tentative preliminary plat approval, final preliminary plat approval, and final plat approval pursuant to the Township's Subdivision Ordinance.

(3) Approval for the Senior Living Assisted Living Facility and Independent Living Units being granted by the Planning Commission and other agencies having review and approval authority shall be in the form of Site Plan Review approval pursuant to the Township's Zoning Ordinance, separate from the Planned Development approval.

(4) Approval for each phase containing condominiums or townhomes being granted by the Planning Commission and other agencies having review and approval authority shall be in the form of Site Plan Review approval pursuant to the Township's Zoning Ordinance.

If the applicant proposes significant changes to the approved Development Plan (as determined by the Zoning Administrator, Planner, or Chairperson of the Planning Commission) with respect to a phase, including a phase containing condominium units, such proposed changes shall be subject to site plan review and approval by the Planning Commission. The Zoning Administrator may administratively approve changes to the number and mix of lots and units to be developed within each phase set forth in Table 1; provided, however, that such changes do not adversely impact or effect vehicular or emergency vehicle access to lots and units within the Development.

(f) Surface Water Drainage. Surface water runoff from the Development shall be contained in the detention basins as shown on the Development Plan and approved by the Township Engineer. It is the intention of this Ordinance that the storm water drainage system for each phase, including the pipes, catch basins, overland swales, drainage route and course, and detention ponds as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage in that phase of the Development as provided in the rules promulgated by the Office of the Ottawa County Water Resource Commissioner, regardless of whether such phase is actually fully developed. The overall plans of the storm water drainage system shall be subject to approval of the Office of the Ottawa County Water Resource Commissioner. The maintenance of and improvements to the pipes, catch basins, overland swales, drainage route and course, and detention ponds shall be accomplished by the Office of the Ottawa County Water Resource Commissioner, through assessment of the property owners or other lawful means, or the same shall be accomplished by the owners of lands in the Development, through an association of such owners or other lawful means.

(g) Sanitary Sewer and Water Supply. All phases of the Development will be served by public sanitary sewer system and a public water supply system. These systems shall be constructed in the locations as shown on the Development Plan with the capacities and to the standards and specifications of Jamestown Charter Township. All plans for the sewer system and water system shall be approved by the Township Engineer, the Superintendent of Water and Sewer, and any other agencies or authorities having legitimate jurisdiction regarding the applicable utility. The cost of construction within the Development shall be at the expense of the Developer. The costs for over-sizing, if any and for necessary off-site improvements in support of the Development shall be in accordance with the terms of a development agreement (the

“Development Agreement”) between the Township and the Developer to be executed pursuant to Article V, Sections 5.3.1(g) and (h) of the Township’s Subdivision Ordinance. Under the Development Agreement, the Developer shall pay all costs of constructing appropriate water lines, water hydrants and valves, sewer lines, lift stations, and other water system and sanitary sewer system appurtenances within the Development, as well as the cost, if any, of extending such improvements to serve the Development. The Development Agreement shall be in such form as shall be necessary, in the reasonable opinion of the Township Board, to effectuate the purposes of this provision, and shall include a water and sewer payback agreement.

(h) Street Trees and Planting Strip. Street trees as shown in the Development Plan, as set forth in Section 2(b) of this Ordinance, and outlined under Section 5.3.1(n) of the Subdivision Ordinance shall be planted for all platted portions of the development. Street trees shall be planted as part of the lot landscaping and shall be completed no later than ninety (90) days after a home purchaser takes possession of the completed home; provided, however, a purchaser that takes possession of a home between December 1 and March 1 shall have until June 1 of such year to complete landscaping and planting of required trees, due to winter weather conditions. Installation of landscaping indicated on the Development Plan for each phase of the Development, other than street trees for a lot, shall be required to commence with the construction of each phase.

(i) Sidewalks and Pedestrian Ways. Sidewalks shall be installed within the Development as shown on the Development Plan, as set forth in Section 2(b) of this Ordinance, and in accordance with the standards of Section 5.3.1(j) of the Subdivision Ordinance. Furthermore, a bike path internal to the development dedicated for use by the public, spanning between Quincy Street and Greenly Street, with pedestrian access at the intersections of 22<sup>nd</sup>



Avenue and Quincy Street; and Fresian Drive and Quincy Street, as well as at Greenly Street, as shown on the Development Plan, shall be installed as shown on the Development Plan, in accordance with Section 19.16 of the Zoning Ordinance. Sidewalks shall be constructed and completed in each current phase of the Development within eighteen (18) months of the Township's consideration of any subsequent phase of the Development, but in no event later than five (5) years from the final plat approval for such current phase. Bike paths and pedestrian ways shall be constructed and completed in each phase of the Development prior to Township consideration of any subsequent phase of the Development.

(j) Open Space. Areas represented on the Development Plan as proposed open space shall be maintained as such for the common usage and enjoyment of the owners of lots and condominium units in the Development. Use of such areas shall be limited to outdoor recreation, drainage and wildlife habitat. Provisions for the perpetual maintenance of such areas by an association of owners shall be incorporated and established as part of the Restrictions.

(k) Signage and Outdoor Lighting. There shall be street lighting in the Development as shown in the Development Plan, as set forth in Section 2(b) of this Ordinance, and in accordance with the requirements of Section 5.3.1(k) of the Subdivision Ordinance. The cost of installation and maintenance thereof shall be at the expense of the Developer or the lot owners or an association of such owners. Street signs shall be consistent with the standards of the Ottawa County Road Commission. Seven (7) identifying signs shall be allowed for the Development as located on the Development Plan and in accordance with Section 24.13C of the Zoning Ordinance.

(l) Utilities. Natural gas service, electrical service, cable television service and telephone service to each of the lots and condominium units in the Development shall be by means of underground facilities.

(m) Restrictive Covenants. The lands in the Development and the use thereof shall be regulated pursuant to the Restrictions, which shall be recorded by the Developer. All Restrictions shall be submitted to the Township, for review by the Township attorney prior to recording and approval of individual phases of the Development. The Restrictions shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance.

(n) Association of Owners. The Restrictions may provide that an association of the owners of lots in the Development may be established, and that certain continuing expenses of maintenance and other matters shall be the responsibility of such association. All of the Restrictions and any other restrictive covenants or other provisions pertaining to establishing and operation of such association shall be submitted to the Township, for review by the Township attorney prior to the recording or implementation of any such provisions.

(o) Other Matters.

(1) Except as otherwise stated in this Ordinance, the Development shall comply with the requirements of the R-2 zoning district.

(2) The Development is subject to the comments and requirements of the Township engineer as stated in the engineer's letter of October 2, 2020 including among others the requirements of the engineer with respect to the storm water drainage system, the sanitary sewer system, and the water supply system. The Development shall also comply with other or subsequent requirements of the Township engineer, provided the same comply with the terms of applicable Township ordinances.

(3) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated August 3, 2020 and the planner's subsequent correspondence of September 30, 2020 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

(4) In addition to any other requirements for posting of security set forth by this ordinance, the Zoning Ordinance, or any other applicable Township ordinance, at the time of submittal of an application for final plat approval for any phase of the Development, the Developer shall provide to the Zoning Administrator a financial guarantee in the form of an irrevocable letter of credit of a sufficient amount to insure the installation and completion of street trees, planting strips and any other required landscaping; sidewalks; and bike paths and pedestrian ways. The letter of credit shall be: (a) issued by a financial institution or insurer satisfactory to the Township; (b) automatically renewed until released by the Zoning Administrator pursuant to a certification that all improvements subject to the letter of credit (e.g., installation and completion of street trees, planting strips and other required landscaping; sidewalks; and bike paths and pedestrian ways) have been completed in accordance with this ordinance, the Zoning Ordinance, or any other applicable Township ordinance; (c) allow full or partial draws upon certification by the Zoning Administrator that improvements have not been completed as required herein; and (d) subject to review and approval by the Township Attorney.

Section 3. Township Board Findings.

(a) The Township Board hereby determines that the Development, as depicted on the Development Plan, complies with, and promotes the intent and purposes, of the Zoning Ordinance.

(b) The Township Board further finds that, in accordance with Section 19.9 of the Zoning Ordinance, the Development, upon final construction and use in full compliance with all of the terms and provisions of this Ordinance and the Zoning Ordinance:

(1) will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved;

(2) in relation to underlying zoning, the proposed type and density of use in the Development will not result in a material increase in the need for public services, facilities, and utilities, and will not place a material burden on the subject or surrounding land or property owners and occupants or the natural environment;

(3) will be compatible with the General Development Plan of the Township and will be consistent with the intent and spirit of Chapter 19 of the Zoning Ordinance;

(4) in relation to underlying zoning, the Development will not result in an unreasonable negative economic impact on surrounding properties;

(5) the Development will not change the essential character of the surrounding area;

(6) the Development will be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the Zoning Ordinance.

(c) The Township Board further finds that, in accordance with Section 19.11 of the Zoning Ordinance, the conditions imposed on the Development, in accordance with this Ordinance, are:

(1) designed to protect natural resources, the health, safety, and welfare, and the social and economic wellbeing of those who will use the Development, residents, and landowners immediately adjacent to the Development, and the community as a whole;

(2) related to the valid exercise of the police power, and purposes which are affected by the Development; and

(3) necessary to meet the intent and purpose of the Zoning Ordinance, are related to the standards established in the Zoning Ordinance and this Ordinance for the proposed use and are necessary to ensure compliance with those standards.

Section 4.     **Enforcement.** The Township may enforce the provisions of this Ordinance and other applicable provisions of the Zoning Ordinance, Subdivision Ordinance, Building Code and other Ordinances, laws and regulations to the extent and in any manner provided by law.

Section 5.     **Effective Date.** This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES:           Tacoma, Oskin, Bergwerff, DeHaan and Brouwer

NAYS:           Miller


ORDINANCE DECLARED PASSED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on November 16, 2020, and approved by me on November 20, 2020.



Laurie VanHaitsma, Supervisor  
Charter Township of Jamestown

Attest:

  
Candy DeHaan, Township Clerk

First Reading: October 19, 2020

Second Reading: November 16, 2020

Ordinance becomes effective: December 2, 2020

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at a regular meeting held on November 16, 2020, and that public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

  
\_\_\_\_\_  
Candy DeHaan  
Township Clerk

CERTIFICATE OF PUBLICATION

I, Candy DeHaan, Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. 20-006 or a summary thereof, was published in the *Grand Rapids Press* on November 24, 2020.

  
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Candy DeHaan  
Township Clerk