

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 17<sup>th</sup> day of May, 2020 at 7:00 p.m.

PRESENT: Members: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Miller and Tacoma

ABSENT: None

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

ORDINANCE NO. 21-002

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

[Jamestown One 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-1 Residential Zoning District to a Planned Development (PD) District, in accordance with the Development Plan (defined in Section 2(a), below) of Jamestown One, LLC (the "Development"). The property is described as follows:

S 10 A OF N 20 A OF W 5/8 OF W 1/2 OF SW 1/4 EXC W 50 FT, ALSO EXC N 160 FT  
SEC 9 T5N R13W

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: A Final Planned Development Plan Review letter addressed to Ms. Lindsay R. Mohr, dated November 5, 2020, provided by Holland Engineering; Final Engineering Plans submitted by Holland Engineering with a final revision date of November 06, 2020 containing Sheet G-100 Cover Sheet, Sheet CD-101 Existing Conditions and Demo Plan, Sheet C-100 Overall Site Layout Plan, Sheet C-101 Detailed Site Layout Plan, Sheet C-201 Grading Drainage and SESC Plan, Sheet C-401 Utility Plan and Profile, Sheet C-402 Utility Plan and Profile, Sheet C-501 General Details and Notes, and Sheet L-101 Landscape Planting Plan revision dated 2/9/2021; Narrative submitted by Shayne Malone of Jamestown One, LLC dated November 19, 2020; Architectural Floor Plans & Exterior Elevations Sheets AE1-01 and AE3-01 provided by Ghafari dated July 27, 2020; Exterior Material Schedule, undated; the Planned Development Application dated October 20, 2020; Proposed Bylaws for Jamestown One, LLC as submitted by the Developer, undated (the “Restrictions”); Five (5) pages of the Warranty Deed; 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: 21 new duplex units (42 dwelling units); a bicycle pathway; trees and landscaping; open space including a playground; internal drives, parking, and a storm water management basin.

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	
Total Acreage	6.55 acres
Total Residential Net Acreage	6.55 acres
Total Number of Duplex Units	42 Duplex Units
Density (based on net acreage)	6.5 units per acre
Minimum Duplex Building Separation (Foundation Wall to Foundation Wall)	15 feet
Minimum Duplex Driveway Length (Sidewalk to Garage or Roadway to Garage)	24 feet
Minimum Duplex Rear Setback	50 feet
Total Residential Open Space	24,000 square feet (8%)
Bike Path	8' Wide Bike Path Along 32 <sup>nd</sup> Avenue right-of-way Frontage
32 <sup>nd</sup> Avenue Street Trees	12 Canopy Trees; 8 Ornamental Trees; 18 Shrubs; and 8 Evergreen Trees
Side Yard Trees	16 Canopy Trees; 8 Ornamental Trees; and 16 Evergreen Trees
Rear Yard Trees	15 Evergreen Trees

(c) Boundaries and Lot Areas. The boundaries of the Development shall be 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 32<sup>nd</sup> Avenue as shown in the Development Plan. Internal access within the Development shall be as shown in the Development Plan. The internal access driveway shall be constructed in accordance with the provisions of Section 3.28 of the Township Zoning Ordinance. All site access shall be provided prior to the issuance of a certificate of occupancy for the first duplex.

(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, contingent on 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) If the applicant proposes significant changes to the approved Development Plan (as determined by the Zoning Administrator, Planner, or Chairperson of the Planning Commission) such proposed changes shall be subject to further site plan review and approval by the Planning Commission.

(f) Surface Water Drainage. Surface water runoff from the Development shall be contained 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, including the pipes, catch basins, overland swales, drainage route and course, and detention pond 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 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 Township 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) Trees and Planting Strip. Trees and landscaping as shown in the Development Plan, as set forth in Section 2(b) of this Ordinance. Installation of landscaping indicated on the Development Plan for the Development shall be required to commence with the construction of the project.

(i) Pedestrian Ways. A bike path along the 32<sup>nd</sup> Avenue road frontage of the development dedicated for use by the public, 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. The bike path shall be constructed and completed prior to the issuance of a certificate of occupancy for the first duplex.

(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 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) Utilities. Natural gas service, electrical service, cable television service and telephone service to the Development shall be by means of underground facilities.

(l) Bylaws. 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.

(m) 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.

(n) Other Matters.

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

(2) The Development is subject to the comments and requirements of

the Township engineer as stated in the engineer's letter of December 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 November 18, 2020 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

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:           VanHaitsma, DeHaan, Tacoma and Miedema

NAYS:           Miller, Brouwer and McCormick

ORDINANCE DECLARED passed.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on May 17, 2021, and approved by me on May 20, 2021.



---

Laurie Van Haitsma, Supervisor  
Charter Township of Jamestown

Attest:



---

Candy DeHaan, Township Clerk

First Reading:       March 15, 2021

Second Reading:    May 17, 2021

Ordinance becomes effective: June 2, 2021

### 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 May 17, 2021, 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. 21-002 or a summary thereof, was published in the *Grand Rapids Press* on May 25, 2021.

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