

NOTICE OF INTRODUCTION AND POSTING OF PROPOSED ORDINANCE

PLEASE TAKE NOTICE that a proposed Jamestown Charter Township Ordinance, No. 18-002 entitled, "Trillium Ridge Condominiums Planned Development" was introduced and had its first reading at a meeting of the Jamestown Charter Township Board held on February 19, 2018. A second reading is scheduled for March 19, 2018 at a meeting of the Jamestown Charter Township Board.

The proposed Ordinance shall establish 22 single-family condominium units, 20 two-unit condominiums, seven outlots, parking, open space, lighting and related infrastructure.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Jamestown Charter Township Clerk Jamestown Charter Township Hall, 2380 Riley Street, Jamestown, Michigan, 49427, (Phone 616-896-8376), and on the Township website at www.twp.jamestown.mi.us.

Dated: March 5, 2018



Candy DeHaan, Clerk
Jamestown Charter Township

The following Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on February 19, 2018.

ORDINANCE NO. 18-002

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

[Trillium Ridge Condominiums Planned Development]

THE CHARTER TOWNSHIP OF JAMESTOWN 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 AR zoning to the RPD Single Family Planned Development District, in accordance with the Final Development Plan of Trillium Ridge Condominiums. The property is described as follows:

THE S ½ OF THE NE ¼ OF THE NW FRACTIONAL ¼ OF SECTION 3 T5N, R13W, JAMESTOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN. ALSO THAT PART OF THE N FRACTIONAL ½ OF THE NE FRACTIONAL ¼ OF THE SECTION 3, T5N, R13W JAMESTOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE N-S LINE OF SAID SECTION WHICH IS S1°23'28"W 1,366.44 FEET FROM THE N ¼ CORNER OF SAID SECTION; THENCE N89°11'36"E 1331.0 FEET; THENCE S1°18'05"W 271.0 FEET ALONG THE EAST LINE OF THE W FRACTIONAL ½, OF THE N FRACTIONAL ½ OF THE NE FRACTIONAL ¼ OF SAID SECTION; THENCE S88°33'32"W 1332.04 FEET ALONG THE SOUTH LINE OF THE N FRACTIONAL ½ OF THE NE FRACTIONAL ¼ OF THE SECTION; THENCE N1°23'28"E 285.0 FEET ALONG SAID N-S ¼ LINE TO THE POINT OF BEGINNING.

Section 2. **Terms and Conditions of the Planned Development.** The rezoning of the above-described lands to the RPD Single Family Planned Development District, in accordance with the Final Development Plan of Trillium Ridge Condominiums (the "Development") is expressly subject to all of the following terms and conditions:

(a) Final Development Plan. The Development includes a letter addressed to Mr. Gregory Ransford dated April 10, 2017 from Signature Land Development with the subject

title: "4668 22nd Avenue – Planned Development & Site Condominium narrative," a presentation outlining condominium options labeled "Bridlewood Condominiums prepared for Jamestown Township," and "Master Deed of Bridlewood Condominium" submitted by West Michigan Development Company (the "Developer"). In addition to these documents, the Development also includes a drawing labeled "Final Development Plan (PD) of Trillium Ridge Condominiums (Formerly Bridlewood Condominiums) dated 12-15-17," a drawing labeled "Landscape plan of Trillium Ridge Condominium (Formerly Bridlewood Condominiums)" with revision date of 8/31/2017. (All of the aforementioned constitute and are collectively referred to herein as the "Development Plan") in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).

(b) Nature of Development; Summary of Development Plan. The Development is comprised of 22 proposed detached single-family condominium units, 20 proposed two-unit condominiums, two (2) single family lots on the east side accessed by Equestrian Drive, and five (5) single family lots fronting 22nd Avenue for a total of 62 condominiums units and seven (7) outlots. The development also includes open space, natural area preservation, internal drives, internal drive trees, internal drive lights, parking and one (1) storm water detention area. Each detached single family residential lot shall be as delineated on the Development Plan and shall be used only for one (1) detached single family 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	
Total Acreage	33.2 acres (1,446,192 square feet, including R.O.W.)
Total Number of units and outlots	62 internal units and 7 outlots
Density	2.1 units per acre
Total Open Space	9.0 acres (392,040 square feet)
<i>Additional Requirements for Units 1 through 62</i>	
Maximum Building Height	35 feet or 2 ½ stories
Minimum Front Yard Setback	30 feet to 22 nd Avenue right-of-way 28 feet from edge of internal pavement
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Minimum Setback to Bridlewood No 4 & 5	50 feet
Distance Between Basement Foundation Walls	18 feet
Rear of Building Perimeter Setback from Foundation Wall (N, E, & W Side)	30 feet
Rear of Building Perimeter Setback from Foundation Wall (South Side)	50 feet
Rear of Deck or Enclosed Sunroom Perimeter Setback (South Side)	40'
Side of Perimeter Setbacks from Foundation Wall	30' (Unit 1 & 62)
Phase 1	Condominiums units 1-10 & 29-62, Lots 1-5, A & B
Phase 2	Condominiums units 11-28
Internal Drive Lights	5
Off-Street parking	21 parking spaces
Internal Drive Tree	Minimum of 40 Deciduous Trees
22 nd Avenue Street Trees	Minimum of 10 Evergreen Trees
Buffer Trees (Southern Property Line)	Minimum of 19 Evergreen Trees (3 existing)
Traffic Island Landscaping	Minimum of 4 Evergreen & 2 Deciduous Trees
<i>Additional Requirements for Outlots 1 through 5, Outlots A and B</i>	
Minimum Lot Area	26,700 sq. ft.
Minimum Lot Width	100 feet
Maximum Building Height	35 feet or 2 ½ stories
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	40 feet

(c) Boundaries and Lot Areas. The boundaries of the Development and the condominium 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, Streets and Internal Private Drives. Access to the Development shall be from 22nd Avenue as shown in the Development Plan. Access to Lots A & B shall be from Equestrian Drive as indicated on the Development Plan. Access to condominium units 1 through 62 shall be provided by the internal drives as shown in the Development Plan and shall not constitute a public or private street. The internal drives in the Development will be private drives and will be constructed according to the street construction standards of the Township Subdivision Ordinance.

(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 Township and Developer entering into a written development contract (the "Development Contract"), as more particularly discussed in Section 2(g) of this Ordinance, for adequate public sanitary sewer and water utilities capacity and infrastructure made between the Township and the Developer.

(f) Surface Water Drainage. Surface water runoff from the Development shall be contained in the detention area as shown on the Development Plan. It is the intention of this Ordinance that the storm water drainage system for each phase, including the pipes, catch basins and detention area as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage in platted subdivisions as promulgated by the Office of the Ottawa County Water Resource Commissioner, whether such phase is platted or otherwise 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 and the Township Engineer. The maintenance of and improvements in the detention basin 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 the 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 Contract between the Township and the Developer to be executed pursuant to Article V, Section 5.3 g) and Section 5.3 h) of the Township's Subdivision Ordinance. Pursuant to the Development Contract, 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. Upon completion of such sewer and water improvements, the improvements shall be dedicated and conveyed to the Township in accordance with the Development Contract. The Development Contract shall be in such form as shall be necessary, in the reasonable opinion of the Township Board, to effectuate the purposes of this provision.

(h) Street Trees and Planting Strip. Street trees as shown in the Development Plan and as set forth in Section 2(b) of this Ordinance, shall be planted. Installation of

landscaping indicated on the Development Plan for each phase of the Development shall commence with the construction of each phase.

(i) Bicycle Paths. Pursuant to Section 19.16 of the Zoning Ordinance, payment in lieu of construction shall be provided for the 22nd Avenue street frontage in the amount specified in the Development Contract. Payment shall be made prior to the issuance of any building permits within 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 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 internal drive lighting in the Development as shown in the Development Plan and as set forth in Section 2(b) of this Ordinance. The cost of installation thereof shall be at the expense of the Developer; the cost of the maintenance of such signage and outdoor lighting shall be at the expense of the Developer or the lot owners or an association of such owners. One identifying sign 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 units in the Development shall be by means of underground facilities.

(m) Master Deed & Restrictive Covenants. The lands in the Development and the use thereof shall be regulated pursuant to the Master Deed and Restrictions, which shall be

recorded by the Developer. The Master Deed and Restrictions shall be submitted to the Township, for review by the Township attorney and the Township Planner, 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 units 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, and to the Planning Commission, for approval in its discretion, 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-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 May 4, 2017 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, under the terms of applicable Township ordinances.

(3) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated October 5, 2017 and the planner's subsequent

correspondence of January 4, 2018 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 Master 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: _____

NAYS: _____

ORDINANCE DECLARED _____.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2018, and approved by me on _____, 2018.

Kenneth Bergwerff, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

First Reading: _____, 2018

Second Reading: _____, 2018

Ordinance becomes effective: _____, 2018

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 _____, 2018, 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. _____ or a summary thereof, was published in the *Grand Valley Advance and Southwest Advance* on _____, 2018.

Candy DeHaan
Township Clerk