

NOTICE OF POSTING OF ADOPTED ORDINANCE

PLEASE TAKE NOTICE that a Jamestown Charter Township Ordinance, No. 18-006 entitled, "Spring Grove Village Planned Development" was adopted at a meeting of the Jamestown Charter Township Board held on November 19, 2018 after its first reading at a meeting of the Jamestown Charter Township Board held on October 15, 2018.

The proposed Ordinance shall establish 85 single family residential lots, public streets, open space, sidewalks, storm water detention, street 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](http://www.twp.jamestown.mi.us).

Dated: November 20, 2018



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Candy DeHaan, Clerk  
Jamestown Charter Township

The following Ordinance was adopted at a Jamestown Charter Township Board meeting on November 19, 2018.

ORDINANCE NO. 18-006

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

[Spring Grove Village 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 AR Agricultural-Rural Residential Zoning District and R-1 Residential Zoning District to the RPD Single Family Planned Development District, in accordance with the Development Plan (defined in Section 2(a), below) of Spring Grove Village (the "Development"). The property is described as follows:

Part of the Southeast 1/4 of Section 10, T5N, R13W, Jamestown Township, Ottawa County, Michigan described as: Commencing at the Southwest corner of said Section; thence N00°05'33"E 466.68 feet along the East line of said Section to the Point of Beginning; thence continuing N00°05'34"E 386.00 feet along said East line; thence N89°54'26"W 715.00 feet; thence N00°05'34"E 544.83 feet; thence N34°49'13"W 321.34 feet; thence N00°05'34"E 556.98 feet; thence S89°16'35"W 884.67 feet; thence N00°10'33"E 105.19 feet; thence S87°16'35"W 181.50 feet; thence S00°10'33"W 216.69 feet; thence S87°16'35"W 387.00 feet; thence S00°11'20"W 677.11 feet; thence N87°48'20"E 568.42 feet; thence S00°10'07"W 986.98 feet; thence N87°48'20"E 690.02 feet; thence S00°10'17"W 465.00 feet to the South line of said Section; thence N87°48'20"E 426.88 feet along said South line; thence N00°07'19"E 466.69 feet; thence N87°48'19"E 669.89 feet to the Point of Beginning. This parcel contains 61.77 Acres or 2,690,764 S.F.

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 Development Plan is expressly subject to all of the following terms and conditions:

(a) Development Plan. The Development Plan collectively includes: (1) the Planned Development Application dated 5/9/18; (2) a drawing labeled “Final PUD Spring Grove Village” with a revision date of 8/14/2018, Sheet 1 of 2 and Sheet 2 of 2; (3) an undated elevation of the round barn labeled “Spring Grove Village” and providing building materials; (4) an undated dwelling elevation labeled “anticipated typical building materials” and; (5) two (2) photos of sample dwellings intended in the Development, collectively submitted in connection with the application for RPD Single Family 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 85 internal single family residential lots, open space, streets, internal sidewalks, street lights, street trees, and two (2) storm water detention ponds. 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	14,500 square feet
Minimum lot width	90 feet
Maximum Building Height	35 feet or 2 ½ stories, whichever is greater as measured by the Zoning Ordinance
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	40 feet
Total Acreage	61.77 acres
Total Net Acreage	61.15 acres

Total Number of Lots	85 lots
Density (based on net acreage)	1.39 units per acre
Total Open Space	3.56 acres (5.82%)
Internal Street Trees	1 per every 50 feet of street frontage
West Property Line Berm	Eight (8) foot tall berm, containing Norway Spruce of at least six (6) feet in height, spaced no more than thirty (30) feet on center
Phase 1	Lots 1-50
Phase 2	Lots 51-71
Phase 3	Lots 72-85
Street Lights	15
Bike path	Riley Street and 16 <sup>th</sup> Avenue frontage
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 Riley Street and 16<sup>th</sup> Avenue 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, 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) 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.

(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 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 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 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, Section 5.3 g) and Section 5.3 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(n) of the Subdivision Ordinance shall be planted. Installation of landscaping indicated on the Development Plan for each phase of the Development 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(j) of the Subdivision Ordinance. Furthermore, a bike path along Riley Street and 16<sup>th</sup> Avenue for the development frontage 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 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 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 (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. 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 lots 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-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 September 6, 2018 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 July 5, 2108 and the planner's subsequent correspondence of September 5, 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 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:

(7) 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;

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

(9) 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: Bergwerff, DeHaan, Brouwer, Altman, Oskin, Miller and Tacoma

NAYS: None

ORDINANCE DECLARED passed.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on November 19, 2018, and approved by me on November 20, 2018.



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Ken Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:



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Candy DeHaan, Township Clerk

First Reading:            October 15, 2018

Second Reading:        November 19, 2018

Ordinance becomes effective: December 10, 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 November 19, 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.

  
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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. 18-006 or a summary thereof, was published in the *Grand Valley Advance* and *Southwest Advance* on December 2, 2018.

  
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Candy DeHaan  
Township Clerk