

NOTICE OF POSTING OF PROPOSED ZONING TEXT AMENDMENT ORDINANCE

PLEASE TAKE NOTICE that a Jamestown Charter Township Zoning Text Amendment Ordinance had its first reading at a meeting of the Jamestown Charter Township Board held on May 13, 2019 and is scheduled for a second reading on June 17, 2019.

The Zoning Text Amendment Ordinance to the Jamestown Charter Township Zoning Ordinance will amend Section 6.4N – Special Uses, Service Uses Not Involving Retail or Wholesale Sales to prohibit modifications to the principal structure to accommodate the use, require enclosed storage or adequately screened as approved by the Planning Commission, permit additional employees, regulate parking related to employees, required an Exit Plan, and provide for the use to exceed the maximum employees under certain conditions; will amend Section 21.3(3) – Minimum Required Parking Spaces by eliminating the section to avoid conflicts with the Americans with Disabilities Act (ADA) and defer to the ADA regarding the minimum size of parking spaces; will amend Section 17.1D1 – Site Plan Review, Review Procedure and Authorization, Site Plan Review Committee by eliminating the content and reserving it for future use; will amend Section 27.3C – Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements to remove references to the Site Plan Review Committee; will amend Section 27.3D– Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements to remove references to the Site Plan Review Committee and; will add Section 3.19 – Non-Grandfathered and Non-Conforming Uses to allow uses which were in existence when the Zoning Ordinance was adopted but were not permitted to operate, to seek approval through a special use permit to continue to exist until the year 2040, to include a site plan process, limitations on expansion and transferability, and an agreement to operate and eventually terminate the use.

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, Hudsonville, Michigan, 49428, (Phone 616-896-8376), and on the Township website at [www.twp.jamestown.mi.us](http://www.twp.jamestown.mi.us).

Dated: May 26, 2019

  
Candy DeHaan, Clerk  
Jamestown Charter Township

The following Zoning Text Amendment Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on May 13, 2019.

ORDINANCE NO. 19-004

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE TO ADD SECTION 3.19 – NON-GRANDFATHERED AND NON-CONFORMING USES; TO AMEND SECTION 6.4N – SPECIAL USES, SERVICE USES NOT INVOLVING RETAIL OR WHOLESALE SALES; TO AMEND SECTION 17.1D1 – SITE PLAN REVIEW, REVIEW PROCEDURE AND AUTHORIZATION, SITE PLAN REVIEW COMMITTEE; TO AMEND SECTION 21.3(3) – MINIMUM REQUIRED PARKING SPACES; TO AMEND SECTION 27.3C – REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION – STANDARDS AND REQUIRED IMPROVEMENTS; TO AMEND SECTION 27.3D – REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION – STANDARDS AND REQUIRED IMPROVEMENTS; AND TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Non-Grandfathered and Non-Conforming Uses. Section 3.19 of the Zoning Ordinance shall be added to state in its entirety as follows.

Uses which were in existence when this Ordinance was adopted but which do not comply with this Ordinance and which were not legal when they began are not covered by Chapter 20. For purposes of this Section, these uses will be referred to as “non-conforming, non-grandfathered uses.” Non-conforming, non-grandfathered uses shall be subject to this Section.

- A. A non-conforming, non-grandfathered use may be continued if it is authorized as a special use in the particular Zoning District where it is located. Such a special use shall be subject to Chapter 18 as well as this Section; however, the special use requirements specified in Chapter 18 and the site plan requirements specified in Chapter 17 shall apply only to the extent deemed relevant by the Township Board. If no special use permit is granted for a non-conforming, non-grandfathered use, the use shall be considered illegal under this Ordinance.

- B. No non-conforming, non-grandfathered use may be expanded beyond its scope as of the effective date of this Ordinance, even with a special use permit.
- C. No non-conforming, non-grandfathered use may extend beyond 2040, which is the maximum duration for a special use permit subject to this Section. A shorter duration may be specified by the Township based upon a consideration of the standards in Section 18.4. No renewals are permitted for a special use permit issued for a non-conforming, non-grandfathered use.
- D. As a condition of the special use permit, the applicant and the Township shall enter into a written agreement that obligates the applicant, at the conclusion of the special use permit duration, to clean-up the property which is subject to the special use, to the specifications contained in the agreement. If, at the conclusion of the special use permit duration, the applicant fails to clean-up the property according to the requirements of the agreement, the Township shall be authorized to perform or contract for the performance of the clean-up operation and to assess the costs of the clean-up against the property and impose a lien on the property for such costs. The agreement shall be recorded with the Ottawa County Register of Deeds.
- E. Any special use permit issued under this Section shall not be transferable from the original applicant. Any such transfer shall automatically terminate the special use permit.

Section 2. Special Uses, Service Uses Not Involving Retail or Wholesale Sales. Section 6.4N of the Zoning Ordinance shall be amended to state in its entirety as follows.

Service uses not involving retail or wholesale sales. In considering such authorization, the Planning Commission shall consider the standards contained in Chapter 18, and the following:

1. The size of the property from which such use shall operate. Within the AR District, the minimum lot size shall be five (5) acres.
2. The character of the proposed use;
3. The proximity of existing structures;
4. The effect of the use on adjoining property;
5. The effect of such use with respect to whether it would interfere with, or substantially hinder, any existing or potential future farming operations or residential activity within the immediate area;
6. Potential traffic congestion and problems caused by trucks or other vehicles necessary for such use.

Operations granted a Special Use permit by the Planning Commission shall meet the following conditions and shall be subject to an annual review by the Zoning Administrator;

7. The use shall not constitute the principal use of the lot or parcel;
8. No alterations, additions, or changes to a principal structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate the service use;
9. No use shall be conducted on, or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, or odor;
10. All supplies, materials, and equipment associated with the service use must, at all times, be located within a completely enclosed accessory building, or adequately screened as approved during site plan review;
11. Any outside storage area shall be screened by (a) a compact hedge of evergreen screening devices, or (b) alternatives that conceal the area as effectively, if approved by the Planning Commission;
12. For purposes of identification, one (1) non-illuminated business sign not exceeding six (6) square feet in area shall be permitted. Such sign shall identify only the use of the operation;
13. Said use shall be a low intensity type operation consisting of a proprietor and limited to not more than one full or part-time employee, in addition to immediate family members working on the site. One (1) additional full or part-time employee may be permitted for each additional acre of lot area in excess of five (5) acres. In no instance shall the operation exceed six (6) employees, in addition to immediate family members.
14. Parking shall be provided on site for all employees authorized within Section 6.4N13 of this ordinance. Parking may be permitted for employees working off-site and shall not exceed one (1) parking space per acre of lot area. In no instance shall parking authorized for off-site employees exceed ten (10) spaces. All parking areas shall be screened by (a) a compact hedge of evergreen screening devices, or (b) alternatives that conceal the parking area as effectively, if approved by the Planning Commission;
15. The hours of operation may be limited by the Planning Commission, based on review of the circumstances relating to the location of the use and proximity to potentially affected adjoining properties;
16. A special use permit granted and the conditions imposed shall run with the property, unless such use ceases for a period of 12 consecutive months in which case, the special use permit shall expire.
17. If the use as permitted by the Planning Commission is proposed to change, but not expand, the owner shall submit an application for a Special Use in accordance with Chapter 18 and this section.

18. At the time of application for a special use for a service use, the applicant shall also provide a written exit plan (the "Exit Plan") to the Zoning Administrator to demonstrate the steps to be executed to cease operation of the service use in the event the service use is terminated pursuant to Section 6.4.N.
19. No service use permitted pursuant to this Section 6.4N shall be expanded, except as otherwise permitted in this subsection 19(b).
  - (a) If a service use expands beyond that permitted in violation of this Section, the property owner shall immediately cease such use. Further, such impermissible expansion shall void approval for the service use and the property owner shall take the steps outlined in the Exit Plan described in Section 6.4.N.18. to cease operation of the use.
  - (b) Notwithstanding subsection 19(a) above, a service use may exceed the number of employees permitted pursuant to Section 6.4N.13, above, when the property owner submits an application and sufficient evidence to the Zoning Administrator requesting permission to exceed the maximum permitted employees for such use and demonstrates that the excess employees are necessary as a result of an increase or influx in business. The property owner or operator of the service use shall additionally provide a reasonable expectation of the time period required to execute the Exit Plan and cease the use as a result of the influx. In no instance shall the duration of the Exit Plan to cease the use exceed one (1) year. The Zoning Administrator may defer any decision regarding an increase in the permitted number of employees as a result of an increase or influx in business to the Planning Commission.

In such instance that the standards imposed under Chapter 18 conflict with those contained in this Section, the most stringent standard shall apply.

Section 3. Site Plan Review, Review Procedure and Authorization, Site Plan Review Committee. Section 17.1D1 of the Zoning Ordinance shall be amended to state in its entirety as follows.

Section 17.1D1

(Reserved for Future Use)

Section 4. Minimum Required Parking Spaces. Section 21.3(3) of the Zoning Ordinance shall be eliminated in its entirety.

Section 5. Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements. Section 27.3C of the Zoning Ordinance shall be amended to state in its entirety as follows.

The Zoning Administrator shall forward copies of the application and preliminary plan to the Planning Commission.

Section 6. Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements. Section 27.3D of the Zoning Ordinance shall be amended to state in its entirety as follows.

The Planning Commission shall review the application and the preliminary site plan in accordance with the following additional standards and requirements:

1. During its review of the application and the preliminary site plan, the Planning Commission may consider the recommendations of the Zoning Administrator, Township Attorney, Township Engineer, Township Fire Chief, Township Planner or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed site condominium project.
2. The building sites for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, and side and rear yards unless the development incorporates open space design as stipulated in Chapter 28. Without open space design, the area and width of the building site shall be used to determine compliance with the minimum lot area and lot width requirements. Compliance with required front, side and rear yards shall be determined by measuring the distance from the equivalent front, side, or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building envelope.
3. All public streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Ottawa County Road Commission and the Township Subdivision Ordinance. Private streets are not permitted unless they have been previously specifically approved as part of a planned development under the review and approval procedures provided in Chapter 19 of this Ordinance. Unless provided to the contrary in the conditions of the planned development approval, any private street authorized as part of a planned development shall be constructed to the same standards as a platted public street.
4. Unless specifically waived by the Township Board at the time it grants site plan approval for the site condominium project, each site condominium

project shall be developed so it has the same improvements that are required for platted subdivisions as provided in Article V of the Jamestown Charter Township Subdivision Ordinance, as amended, or the equivalent provision of any successor Township Ordinance having the same or similar regulatory purpose, as amended. Without limiting the generality of the immediately preceding sentence, bicycle paths, as defined in the Subdivision Ordinance, shall be required to be constructed for site condominium projects on the same basis and criteria as bicycle paths are required to be constructed for subdivisions under the provisions of the Subdivision Ordinance. In their review and consideration of granting site plan approval for a site condominium project, the Planning Commission and Township Board shall follow the same procedures as are provided in the Subdivision Ordinance for determining when and where bicycle paths are to be constructed as a required site condominium project improvement.

5. The Planning Commission may, prior to making a recommendation on the preliminary site condominium project plan, require that the preliminary plan or relevant portions thereof be submitted to any federal, state or county agency having review or approval/permitting jurisdiction over the proposed site condominium project for preliminary comments and recommendations.

Section 7. Effective Date. This amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan on \_\_\_\_\_, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on May 13, 2019, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on \_\_\_\_\_, 2019, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Rapids Press* 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.

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Ken Bergwerff, Township Supervisor

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Candy DeHaan, Township Clerk

CERTIFICATE

I, Candy DeHaan, the Clerk for the Charter Township of Jamestown, Ottawa County, Michigan, certify that the foregoing Jamestown Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 2019. The following members of the Township Board were present at that meeting:

\_\_\_\_\_

\_\_\_\_\_. The following members of the Township Board were absent:

\_\_\_\_\_.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_

\_\_\_\_\_

voting in favor and members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in opposition. Notice of Adoption of the

Ordinance was published in the *Grand Rapids Press* on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Candy DeHaan, Clerk  
Jamestown Charter Township



AFFIDAVIT OF POSTING  
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN )

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COUNTY OF OTTAWA )

The undersigned, Candy DeHaan, the Jamestown Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Zoning Text Amendment Ordinance for Jamestown Charter Township, after its first reading at a meeting of the Jamestown Charter Township Board held on May 13, 2019 and its second reading at a meeting of the Jamestown Charter Township Board held on June 17, 2019, in the Township Clerk's office and on the Township's website at [www.twp.jamestown.mi.us](http://www.twp.jamestown.mi.us) on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Candy DeHaan, Clerk  
Jamestown Charter Township

Subscribed and sworn to before this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public, Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My commission expires: \_\_\_\_\_