

NOTICE OF POSTING OF ADOPTED ORDINANCE

PLEASE TAKE NOTICE that a Jamestown Charter Township Ordinance, No. 19-005 entitled, "West 24 Cottages Planned Development" was adopted at a meeting of the Jamestown Charter Township Board held on July 15, 2019 after its first reading at a meeting of the Jamestown Charter Township Board held on June 17, 2019.

The proposed Ordinance shall establish 24 duplex family residential units, open space, storm water detention, private drives, and related infrastructure in the Planned Development Zoning District.

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: July 28, 2019

  
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Candy DeHaan, Clerk  
Jamestown Charter Township

The following Ordinance was adopted at a Jamestown Charter Township Board meeting on July 15, 2019.

ORDINANCE NO. 19-005

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

[West 24 Cottages 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 the PD Planned Development District, in accordance with the Development Plan (defined in Section 2(a), below) of West 24 Cottages (the "Development"). The property is described as follows:

Part of the Northeast ¼, Com S89°46'30"W 1040 ft. from the Northeast Cor.; thence S0°01'06"E 1065.1 Ft.; thence S89°53'05"W 620.79 Ft. along the South line of the North 2/5 of said NE ¼, thence N0°01'57"E 489.9 Ft. along the West line of the East 5/8 of the NE ¼; thence N89°46'30"E 275 Ft. thence North 0°01'57"S 574 ft. thence N89°46'30"E 344.85 Ft. to the Point of Beginning. (Parcel contains 11.54 acres.)

Section 2. Terms and Conditions of the Planned Development. The rezoning of the above-described lands to the PD 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 1/28/19; (2) the Planned Development (PD) Narrative dated 3/27/19; (3) a Topographical Plan dated 4/18/19; (4) a Site Development Plan dated 4/18/19; (5) a Site Utility Plan dated 4/18/19; (6) a Site Grading Plan dated 4/18/19; (7) a Floor Plan (Sheet No. A3) dated 12/18/18; (8) a building elevation with no page name or date; (9) a

Landscaping Plan (Sheet L 102) dated 4/22/19; and, (10) a Per Unit Landscape Design (Sheet L101) dated 4/22/19, collectively submitted in connection with the application for PD 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 24 duplexes (48 dwelling units), 6.8 acres of green space, private driveways, parking, and two (2) storm water detention ponds. Each detached duplex shall be as delineated on the Development Plan and shall be used only for two-family residential dwelling purposes and such accessory uses as 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	
Maximum Building Height	35 feet or 2 ½ stories, whichever is greater as measured by the Zoning Ordinance
Minimum Front Yard Setback	28 feet (edge of blacktop to garage) 25 feet (corner of building to roadway)
Minimum Side Yard Setback	20 feet (to project boundary) 20 feet (between buildings)
Minimum Rear Yard Setback	50 feet (building to project boundary) 40 feet (deck/patio to project boundary)
Total Acreage	11.54 acres
Total Net Acreage	11.2 acres
Total Number of Duplexes	24 Duplexes (48 Dwelling Units)
Density (based on net acreage)	4.3 units per acre
Total Green Space	6.8 acres (60.7%)
Site Landscaping	In accordance with the Planting Table, dated 4/22/19 on sheet L-102 of the Development Plan
Street Lights	6

(c) Boundaries and Lot Areas. The boundaries of the Development and the building area for all structures 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 as shown in the Development Plan. Private drive arrangement within the Development shall be as shown in the Development Plan. The drives within the Development will be private drives and will be constructed according to the Typical 26 ft. Wide Street Cross Section as shown in the Development Plan.

(e) Development Phasing. The Phasing of the Development shall be accomplished in the manner depicted on the Development Plan, 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.

(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 of the

storm water drainage system shall be accomplished by the owner of lands in the Development. The applicant shall prepare and submit to the Township a Storm Water Maintenance Agreement, satisfactory to the Township, signed by all parties in interest in the Development lands, and providing for the timely and full implementation of the approved storm water drainage system for the Development. The Agreement shall, among other provisions, grant sufficient and convenient access to the Township for inspection and related purposes; shall require timely, proper and sufficient maintenance, repair and replacement of all storm water management facilities; establish adequate emergency overland flow-ways; and require all necessary maintenance, repair and replacement of such storm water facilities by the owner at its expense or, in the absence or failure thereof, shall provide for the accomplishing of such work by the Township, with the cost thereof to be secured by an acceptable letter of credit given by the Developer, a lien or similar encumbrance on the Development lands or other security acceptable to the Township. The Agreement shall be submitted to the Township attorney and shall be subject to the attorney's approval, prior to recording. If requested, the applicant shall submit a certified last owner of record search covering the Development property, as to establish the correct identity of all of the parties in interest in the Development property, for purposes of signing the Storm Water Maintenance Agreement. After recording, a copy of the Agreement as recorded shall be promptly submitted to the Township. In the alternative, the Developer shall provide satisfactory evidence that the Office of the Ottawa County Water Resource Commissioner has agreed to provide maintenance of and improvements to the storm water drainage system, through assessment of the property owner 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 may include a water and sewer payback arrangement.

(h) Site Landscaping. Site landscaping and per unit landscaping, as shown on sheets L-102 and L-101, respectively, shall be planted. Installation of site and unit landscaping indicated on the Development Plan shall be required to be completed around each unit at the time of occupancy for each respective unit.

(i) Sidewalks and Pedestrian Ways. Sidewalks are not proposed to be installed within the Development as they are not shown on the Development Plan. Furthermore, payment in-lieu of construction of a bike path along Quincy Street for the development frontage shall be

provided, in accordance with Section 19.16 of the Zoning Ordinance and the memorandum from the Township Engineer dated April 4, 2019.

(j) Green Space. Areas represented on the Development Plan as proposed green space shall be maintained as such for the common usage and enjoyment of the tenants of the duplexes in the Development. Use of such areas shall be limited to outdoor recreation, drainage, and wildlife habitat. The green space areas shall be maintained by the applicant or a legally established property association and shall be set aside for solely the passive use of residents of the Development and their guests. The applicant shall prepare and submit for approval of the Township attorney a recordable restrictive covenant or comparable legal instrument, whereby the green space areas shall be permanently set aside as common open space, undeveloped, and to be used only for the permitted passive recreation uses specified herein. The restrictive covenant shall be legally sufficient to run with the land and thus be binding upon all subsequent owners of the property. Upon approval of the restrictive covenant by the Township attorney, it shall be recorded with the county register of deeds; after recording, a recorded copy of the instrument shall be promptly submitted to the Township zoning administrator.

(k) Signage and Outdoor Lighting. There shall be private drive 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 property 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 duplexes in the Development shall be by means of underground facilities.

(m) 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 April 4, 2019 including among others the requirements of the engineer with respect to the storm water drainage system, the sanitary sewer system, the water supply system, and payment-in-lieu of construction of the pathway along Quincy Street. 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 April 5, 2019 and the planner's subsequent correspondence of May 10, 2019 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.

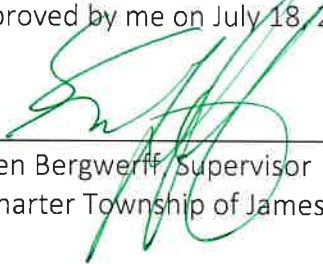
Section 5. Effective Date. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Brouwer, DeHaan, Bergwerff, Oskin and Tacoma

NAYS: Altman and Miller

ORDINANCE DECLARED passed.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on July 15, 2019, and approved by me on July 18, 2019.

  
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Ken Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:

  
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Candy DeHaan, Township Clerk

First Reading: June 17, 2019


Second Reading: July 15, 2019

Ordinance becomes effective: August 5, 2019

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 July 15, 2019, 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. 19-005 or a summary thereof, was published in *Grand Rapids Press* on July 28, 2019.

  
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Candy DeHaan  
Township Clerk