

ORDINANCE NO. 21-011

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE BY AMENDING SECTION 3.29A17 – PRIVATE ROADS, BY CREATING SECTION 3.38 – PUBLIC WATER REQUIRED, BY AMENDING SECTION 6.4R2 – SPECIAL USES, BY AMENDING SECTION 9.4A – ADDITIONAL STANDARDS FOR SPECIAL USES IN THE R-3 RESIDENTIAL DISTRICT, BY CREATING SECTION 19.3D – PLANNED DEVELOPMENTS – PROJECT DESIGN STANDARDS, BY AMENDING SECTION 27.3B9 – REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION – STANDARDS AND REQUIRED IMPROVEMENTS, BY AMENDING SECTION 28.6A – OPEN SPACE PRESERVATION PROJECTS – DEVELOPMENT REQUIREMENTS, BY REPEALING SECTION 27.9 – MORATORIUM FOR CERTAIN DEVELOPMENTS, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Section 3.29A17 – Private Roads. Section 3.29A17 of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 3.29A17 – Private Roads

All lots served by the private road and any newly created front lots abutting the public street shall connect to the public water system. All lots served by the private road and any newly created front lots abutting the public street shall connect to the public sanitary sewer system, when any of (a) – (c) apply:

- a. Extension and connection is required under the terms of the Township sewer ordinance; or
- b. Extension and connection is required under the terms of the Township subdivision ordinance, applied as if the property served by the private road were developed as a subdivision; or
- c. An existing sewer main is located in the public right of way or utility easement which abuts any one of the following (i) any portion of the lands proposed to be served by the private road; or (ii) any front lots abutting the public road created in connection with the private road; or (iii) any land crossed by the private road easement. In applying subsection (c), the Planning Commission may ignore transfers of ownership occurring during the previous five years which have the effect of avoiding the application of subsection (c).

- d. Any required water or sewer mains and facilities, up to the point of connection with an individual lot or unit, shall be constructed to Township specifications at the developer's expense and dedicated to the public along with easements allowing for the operation, maintenance and repair of those facilities.

Section 2. Section 3.38 – Public Water Required. Section 3.38 of the Zoning Ordinance will be added to read in its entirety as follows.

Section 3.38 – Public Water Required

Connection to the public water system is required for all new and expanded residential developments subject to site plan review by the Planning Commission.

Section 3. Section 6.4R2 – Special Uses. Section 6.4R2 of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 6.4R2 – Special Uses

Is served by the public sanitary sewer system and public water system;

Section 4. Section 9.4A – Additional Standards for Special Uses in the R-3 Residential District. Section 9.4A of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 9.4A – Additional Standards for Special Uses in the R-3 Residential District

No special use shall be authorized on sites without service by the public sanitary sewer system and public water system.

Section 5. Section 19.3D – Planned Developments – Project Design Standards. Section 19.3D of the Zoning Ordinance will be added to read in its entirety as follows.

Section 19.3D – Planned Developments – Project Design Standards

Connection to public water is required.

Section 6. Section 27.3B9 – Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements. Section 27.3B9 of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 27.3B9 – Review of Preliminary Plans by the Planning Commission – Standards and Required Improvements

Proposed arrangements for connection to the public water system and public sanitary sewer system or other means for addressing sanitary sewer needs (e.g., septic). Connection to the public water system is required.

Section 7. Section 28.6A – Open Space Preservation Projects – Development Requirements. Section 28.6A of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 28.6A – Open Space Preservation Projects – Development Requirements

Open Space Preservation projects shall be served by either (1) the public water system and public sanitary sewer system OR (2) by the public water system and septic systems, subject to the approval of the Ottawa County Health Department.

Section 8. Section 29.7 – Moratorium for Certain Developments. Section 29.7 of the Zoning Ordinance is repealed.

Section 9. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 10. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, including but not limited to Ordinance 21-005, are hereby expressly repealed. Notwithstanding the foregoing, with respect to the proposed Peacefield (OS-PUD) residential development (Permanent Parcel No. 70-18-35-100-002) (consisting of 40 single-family units with designated open space) (“Peacefield”) and Ottogan Hills residential development (private road with four metes and bounds residential parcels and 13 residential site condominium units) (Permanent Parcel No. 70-18-35-400-012) (“Ottogan Hills”) the provisions of this Ordinance No. 21-011 shall not apply and those developments shall be considered under the terms of the Zoning Ordinance as such terms existed on January 16, 2022, so long as: (1) with respect to Peacefield: (a) the applicant submits its application for final site condominium project plan approval to the Planning Commission on or before May 18, 2022, and (b) such final plan is consistent with the preliminary site condominium project plan reviewed and approved by the Planning Commission on May 18, 2021; and (2) with respect to Ottogan Hills: (a) the applicant submits its application for final site condominium project plan approval to the Planning Commission on or before July 20, 2022 and (b) such final plan is consistent with the preliminary site condominium project plan reviewed and approved by the Planning Commission on July 20, 2021. Should either development fail to file for final site condominium project plan approval with the Planning Commission on or before the dates specified herein for such development, then the provisions of the Zoning Ordinance, as amended by this Ordinance No. 21-011, shall apply to that development.

Section 11. 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 January 17, 2022, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on December 20, 2021, 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 February 2, 2022, 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.



Laurie Van Haitsma, Township Supervisor



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 January 17, 2022. The following members of the Township Board were present at that meeting: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Miller and Tacoma. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board McCormick, Brouwer, DeHaan, VanHaitsma, Miedema and Tacoma. voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on January 25, 2022.



Candy DeHaan, Clerk
Jamestown Charter Township

AFFIDAVIT OF POSTING
(Zoning Text Amendment Ordinance)

STATE OF MICHIGAN)

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COUNTY OF OTTAWA)

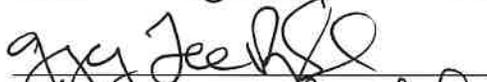
The undersigned, Candy DeHaan, the Jamestown Charter Township Clerk, being first duly sworn, deposes and says as follows:

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 December 20, 2021 and its second reading at a meeting of the Jamestown Charter Township Board held on January 17, 2022, in the Township Clerk's office and on the Township's website at www.twp.jamestown.mi.us on January 25, 2022.



Candy DeHaan, Clerk
Jamestown Charter Township

Subscribed and sworn to before this
20th day of January, 2022.



Gregory Lee Stanford
Notary Public, Ottawa County, Michigan

Acting in Ottawa County, Michigan
My commission expires: April 15, 2026