

NOTICE OF INTRODUCTION AND POSTING OF PROPOSED ORDINANCE

PLEASE TAKE NOTICE that a proposed Jamestown Charter Township Ordinance, No. 22-002 entitled, "An Ordinance to Amend Chapter 34 of the Zoning Ordinance of the Charter Township of Jamestown Regarding Spring Meadows Planned Development," was introduced and had its first reading at a meeting of the Jamestown Charter Township Board held on February 21, 2022. A second reading is scheduled for March 21, 2022 at a meeting of the Jamestown Charter Township Board.

The proposed Ordinance includes a site plan for Trilogy Health Services, LLC, to construct a new 85,798 square foot assisted and independent living facility, which will contain eighty (82) living units with ninety-nine (99) beds, twenty-five (25) independent living units, as well as site improvements including the installation of landscaping, a 127-space parking lot, 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, 49426, (Phone 616-896-8376), and on the Township website at www.twp.jamestown.mi.us.

Dated: March 1, 2022

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 21, 2022.

ORDINANCE NO. 22-002

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE ZONING ORDINANCE
OF THE CHARTER TOWNSHIP OF JAMESTOWN REGARDING
SPRING MEADOWS PLANNED DEVELOPMENT**

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

Section 1. **Amendment of Section 1.0 of the Spring Meadows Planned Development**

Ordinance. Section 1.0 of the Spring Meadows Planned Development Ordinance, adopted by the Township Board of the Charter Township of Jamestown (the “Township”) on October 26, 1998 by Ordinance No. 98-006 (and subsequently amended by Ordinance Nos. 99-00, 02-005, 03-008b, 04-0077, 17-007, and 21-006) (collectively, the “Planned Development Ordinance”) relating to the real property described below and specifying the terms and conditions for the development and use of the real property as a planned development pursuant to Chapter 19 of the Township Zoning Ordinance (the “Planned Development”), is hereby amended to read in its entirety as follows:

Section 1.0 The Zoning Ordinance of the Jamestown Charter Township is hereby amended by the amendment of Chapter 5 thereof, the Zoning Map, so as to rezone the following described lands from the R-2 Residential District to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of Spring Meadows.

(Spring Meadows Planned Development) Part of the NW 1/4 and NE 1/4 of Section 9, T5N, R13W, Jamestown Charter Township, Ottawa County, Michigan described as: Commencing at the NW corner of said Section; thence N89°46'05"E 2411.20 feet along the North line of said Section to the Point of Beginning; thence N89°46'05"E 66.00 feet; thence S00°03'48"W 235.00 feet; thence N89°46'05"E 257.00 feet; thence S00°03'48"W 8.01 feet; thence N89°46'30"E 311.91 feet (the previous two calls being along the boundary of Jamestown Estates No. 2, as

recorded in Liber 32 of Plats on page 61); thence $S00^{\circ}03'48''W$ 192.00 feet; thence $N89^{\circ}46'30''E$ 201.00 feet; thence $N00^{\circ}03'48''E$ 192.00 feet; thence $N89^{\circ}46'30''E$ 402.13 feet along the South line of Jamestown Estates No. 3, as recorded in Liber 32 of Plats on page 62; thence $S00^{\circ}01'57''W$ 643.59 feet along the East line of the West 3/8 of the NE 1/4 of said Section; thence $S89^{\circ}51'58''W$ 996.38 feet along the South line of the North 1/3 of the West 3/8 of the NE 1/4 of said Section; thence $S00^{\circ}03'48''W$ 920.00 feet along the N-S 1/4 line of said Section; thence $N89^{\circ}57'41''W$ 330.00 feet; thence $S00^{\circ}03'48''W$ 850.00 feet; thence $N89^{\circ}57'41''W$ 329.62 feet along the E-W 1/4 line of said Section; thence $N00^{\circ}03'56''W$ 254.00 feet; thence $N89^{\circ}57'41''W$ 472.00 feet; thence $S00^{\circ}03'56''E$ 254.00 feet; thence $N89^{\circ}57'41''W$ 849.31 feet along the E-W 1/4 line of said Section; thence $N00^{\circ}07'49''W$ 396.00 feet along the West line of the East 1/2 of the SW 1/4 of the NW 1/4 of said Section; thence $N89^{\circ}57'41''W$ 660.76 feet; thence $N00^{\circ}11'43''W$ 1996.50 feet along the West line of said Section; thence $N89^{\circ}46'05''E$ 1008.00 feet; thence $S00^{\circ}11'43''E$ 1073.63 feet along the East line of the West 1008.00 feet of the NW 1/4 of said Section; thence $N89^{\circ}54'11''E$ 977.41 feet along the South line of the North 1/2 of the NW 1/4 of said Section; thence $N00^{\circ}00'04''W$ 1082.94 feet along the West line of the East 1/4 of the NW 1/4 of said Section; thence $N89^{\circ}46'05''E$ 421.03 feet (the previous two calls being along the South and East boundary of Jamestown Estates, as recorded in Liber 32 of Plats on page 60); thence $N00^{\circ}03'48''E$ 243.00 feet parallel with the N-S 1/4 line of said Section to the Point of Beginning.

(And as added on November 8, 2004)

Part of the NE 1/4 and NW 1/4 of Section 9, T5N, R13W, Jamestown Charter Township, Ottawa County, Michigan, described as: Commencing at the NE corner of said Section; thence $S00^{\circ}01'06''E$ 1067.09 feet along the East line of said Section to the Point of Beginning; thence $S00^{\circ}01'06''E$ 1600.63 feet to the East 1/4 corner of said Section; thence $N89^{\circ}57'03''W$ 2659.52 feet along the E -- W 1/4 line of said Section to the center of said Section; thence $N89^{\circ}57'41''W$ 330.00 feet along the E-W 1/4 line of said Section; thence $N00^{\circ}03'48''E$ 850.00 feet; thence $S89^{\circ}57'41''E$ 330.00 feet; thence $N00^{\circ}03'48''E$ 920.00 feet long the N -- S 1/4 line of said Section; thence $N89^{\circ}51'58''E$ 996.38 feet long the boundary of Spring Meadows No. 4 as recorded in Liber 40 of Plats on Pages 31 and 32; thence $S00^{\circ}01'57''W$ 177.32 feet along the West line of the East 5/8 of the NE 1/4 of said Section; thence $N89^{\circ}53'05''E$ 1660.79 feet along the North line of the South 3/8 of the East 5/8 of the NE 1/4 of said Section to the Point of Beginning, excluding the South 682 feet of the east 742 feet thereof. Containing 96.32 acres. Subject to highway right-of-way for 24th Avenue over the Easterly 33.00 feet thereof and for Greenly Street over the Southerly 33.00 feet thereof. Also subject to easements, restrictions, and rights-of-way record.

Section 2. **Amendment of Section 2.0 of the Planned Development Ordinance.**

Section 2.0 of the Planned Development Ordinance is hereby amended in its entirety to read as follows:

Section 2.0. The rezoning of the above-described lands to the Planned Development District, in accordance with the Planned Development Plan of Spring Meadows (the “Development”) is expressly subject to all of the following terms and conditions:

1. Development Plan.

(a) The Development includes the drawing labeled “Planned Development Plan of Spring Meadows” dated June 16 1998, and prepared by Nederveld Associates Inc., (Project File No. 9767714LA) (Appendix A) together with the attached floor plans, building elevations and typical landscape schematics (Appendices B, C and D) submitted by the Applicant in connection with the application for Planned Development rezoning and the review thereof by the Planning Commission and Township Board.

(b) The Development shall also include the site plan entitled “Planned Development Site Plan of Spring Meadows,” Appendix E as adopted on November 24, 2003 and dated November 11, 2003 (File No. 02102142). Appendix E shall serve as the revised and amended Final PD plan for the single family residential area labeled as Phase VI and the condominium area labeled Phase III. Appendix E shall also represent the revised and amended preliminary PD plan of Phase VII of the single family residential area. Phase VII shall be subject to final PD approval as stipulated in Section 2.0, subsections (5) e. and f.

(c) The Development shall also include the site plan entitled “Planned Development Site Plan of Spring Meadows East,” Appendix F as adopted on November 8, 2004, dated October 15, 2004 and prepared by Nederveld Associates (File No. 02102142). Appendix F shall serve as the revised and amended Final PD plan for the single family residential area labeled as Phases 8,9,10,11,12, and 13 and for town home and attached condominium areas labeled “East Town Homes” and “East Condos.”

(d) The Development shall also include the site plan set entitled “Jamestown Meadows Final Planned Development Site Plan,” dated May 22, 2017 and revised on October 2, 2017, prepared by Nederveld Associates, Inc., which includes the following:

- (1) Thirty-six (36) multi-family condominium units

(2) One (1) conceptual commercial building of approximately 16,640 square feet.

(3) Approximately 752 linear feet of sidewalk along Sun Chase Avenue

(4) Approximately 840 linear feet of bike path along 32nd Avenue

(5) Approximately 149, 482 square feet of open space

(6) Two (2) access easement connections to the south

(e) The Development shall also include the site plan set entitled “Trilogy Health Services, LLC P.U.D. Amendment,” dated 11-19-21 and revised on 12-27-21, project 2111118GR, prepared by Paradigm Design (the “Trilogy Health Services, LLC P.U.D. Amendment”), which includes the following:

(1) Civil Title Sheet, sheet C-001

(2) Civil Existing and Demolition Plan, sheet C-101

(3) Civil Overall Site Plan, sheet C-102

(4) Civil Layout Plan (North), sheet C-103

(5) Civil Layout Plan (South), sheet C-104

(6) Civil Fire Access Plan, sheet C-105

(7) Civil Utility Plan, sheet C-106

(8) Civil Grading Plan (North), sheet C-107

(9) Civil Grading Plan (South), sheet C-108

(10) Landscape and Signage Plan, sheet L-101

(11) Photometric Plan, sheet E-101 and E-102, (dated 11-19-21)

(12) Photometric Plan Details, sheet E-103 (dated 11-19-21)

(13) Hudsonville Health Campus exterior elevations, dated 11-15-21, project number HH1942, by Universal Design, Associates, Inc., Sheets A-100, A-101, A-102, and A-103, and;

(14) Trilogy Health Services – PUD Amendment #2 Request / P.D. Final Carports Revised 1-6-22 (Easement Driven) document (1 page).

Collectively, the Planned Development Plan of Spring Meadows, the Planned Development Site Plan of Spring Meadows, the Planned Development Site Plan of Spring Meadows East, the Jamestown Meadows Final Planned Development Site Plan, and the Trilogy Health Services, LLC Site Plan shall be referred to as the "Development Plan."

2. Nature of Development. The Development is comprised of Spring Meadows 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 as platted single family residential areas; Spring Meadows Condominiums Phases I and II, as condominium duplex residential dwellings; Spring Meadows West Townhouse and Spring Meadows East Townhouse as attached townhouse style Condominiums dwelling units; and Spring Meadows East condominiums as attached four-plex condominium units, along with associated limited and general common elements. Each detached single family residential area and each duplex, four-plex and townhouse area shall be limited in area as delineated on the development plans and shall be used only for residential purposes and for such accessory residential buildings and uses, parks, community buildings and open space as are indicated on the Developments Plan. The Development is also comprised of the Jamestown Meadows Final Planned Development Site Plan and the Trilogy Health Services, LLC Site Plan. In the event of a conflict between any provisions, development, features, or requirements, set forth in the Jamestown Meadows Final Planned Development Site Plan and any prior site plan for Spring Meadows, the terms, provisions and plans set forth on the Jamestown Meadows Final Planned Development Site Plan shall govern and any such terms, provisions and plans inconsistent herewith, are repealed.

(a) Minimum lot width and lot areas for the single family lots shall be as indicated on the approved Development Plan.

(b) Minimum building setback/yard requirements.

(1) Front yard setbacks -35 feet for Phases 1, 2, 3, 4, 5, 6, 7, 8, 10 and 12; 15 feet for phases 9, 11 and 13.

(2) Side yard setbacks -10 feet minimum for Phases 1, 2, 3, 4, 5, 6, 7, 8, 10 and 12; 5 feet minimum, 15 feet combined for Phases 9,11 and 13.

(3) Rear yard setbacks - 40 feet Phases 1 thru 6; 30 feet, Phases 7, 8, 10 and 12; and 15 feet for Phases 9, 11 and 13.

(c) Accessory Buildings.

(1) Within Phases 9, 11 and 13, up to two detached accessory buildings such as sheds and garden houses, greenhouses, or similar building on individual lots are permitted provided that no such structure may exceed 1 1/2% of the total lot area. In addition a children's playhouse, or a gazebo may also be permitted provided that the size of a playhouse or gazebo is also limited to 1 1/2%

of the total lot area. The eave height of accessory buildings shall not to exceed eight feet.

(2) Accessory buildings and uses for all lots within Phases 3, 4, 5, 6, 7, 8, 10, and 12 shall be subject to the provisions pertaining to accessory buildings as applied to the R-2 Residential District

(3) The parking of recreation vehicles or trailers in the front yard of lots in all phases of the Development is prohibited.

3. Boundaries and Lot Areas. The boundaries of the Development, and all platted lots and all condominium building envelopes shall be as shown on the Development Plan.

4. Site Access, Streets and Drives.

(a) Access to the Development shall be from Quincy Street and 32nd Avenue, Greenly Street and 24th Avenue as shown on the Development Plan.

(b) Street arrangement for other streets and drives in the Development shall be as shown in the Development Plan.

(c) With the exception of the dead-end streets serving the condominium units and the street within the Jamestown Meadows Planned Development Site Plan, the streets in the Development will be public streets and will be constructed according to the street construction standards of the Township Subdivision Control Ordinance and the Subdivision Street Standards of the Ottawa County Road Commission or as otherwise approved by the Ottawa County road Commission.

(e) The private streets in the Spring Meadows development shall be constructed according to the street construction standards of the Township Subdivision Control Ordinance and the Subdivision Street Standards of the Ottawa County Road Commission for base, and sub-base with a minimum of 2.5 inches of bituminous surface, and a minimum 24 feet wide valley gutter cross-section.

(f) There shall be no private driveway access to Quincy Street, Greenly Street and 24th Avenue.

(g) The private street as shown on the Jamestown Meadows Planned Development Site Plan shall be constructed with a sand sub-base of 15 inches in depth, MDOT Class II; gravel/aggregate base course of seven (7) inches of depth, MDOT 22A; asphalt paving of two (2) courses, three (3) inches of depth, MDOT 13A.

(h) Prior to issuance of a building permit for any one of Buildings D, E or F, Developer shall construct a cul-de-sac on Kaylee Lane, as depicted on the

Development Plan, to permit emergency vehicles and other vehicles to turn-around and exit Kaylee Lane.

5. Development Phasing. The Phasing of the Development shall be accomplished in the manner depicted on the Development Plan, contingent on the following:

(a) Arrangements for adequate public sanitary sewer and water utilities capacity and infrastructure shall be made between the Township and the Developer in accordance with Section 5(i) below.

(b) Final approval for each single-family residential phase first being granted by the Township Board and other agencies having review and approval authority in the form of Preliminary (Tentative and Final Preliminary) and Final Plat approval.

(c) Final approval of each condominium phase first being granted by the Planning Commission in the form of Final Site Plan approval under the procedures, standards and criteria of Section 17 Site Plan Review of the Zoning Ordinance.

(d) Sun Chase Avenue shall be completed in its' entirety prior to the commencement of Phases VI and VII.

(e) Approval of Phase VII of the single-family residential portion shall be limited at this time to Preliminary Planned Development approval only. Prior to Final Planned Development approval for that Phase the procedures of Section 15.7F 15.7G, and Section 15.8 through 15.15 shall be followed and applied as applicable.

(f) Final approval of Phase 7 or any subsequent platted single family residential phase shall be further conditioned on the completion of Sun Ridge Drive and the improvement of Greenly Street to Ottawa County Road Commission's standards for paved local roads. The minimum length of improvements to Greenly Street shall extend from 32nd Avenue, eastward approximately 2320 feet to the east line of Spring Meadows. The Developer has offered and the Township has accepted such offer that the Developer will share in the direct cost of improvements to Greenly Street. The Developer's share in such cost, to be determined at the time of final PD approval for Phase VII, shall be to 50% of the total cost of the improvements described in 5(e) above, including potential improvements to the intersection of 32nd and Greenly Streets. In the event that any additional owners of private property along Greenly Street agree to participate in the improvements, the Developer's 50% share may be prorated between the various private interests. These terms shall be agreed on in writing as part of the development agreement specified in paragraph (i) below.

Such additional agreements as necessary to bring about the extension of streets, utilities and bicycle pathways in support of Phases 8 through 13 and the East Town Homes and East Condominiums must be consummated between the Developer and the Township prior to the Spring Meadows East PD amendment going into effect. The agreements shall further specify the provisions for the extension of a bicycle path along the development's 24th Avenue frontage in recognition that the location of the bicycle path along the street may not be determined until after the commencement of Phase 11 or 13. At the time of commencement of Phases 11 and 13 the Developer shall nonetheless contribute fifty percent of the cost of installing a pathway along the street for a distance equal to the development phases frontage along 24th Ave.

(g) Approval of the Commercial Phases, as shown on the Jamestown Meadows Final Planned Development Site Plan, at this time, shall be limited to conceptual approval only. The area of land comprising the commercial building, parking, drives, landscaping, site lighting and related improvements labeled on the Plan may not be used for the commercial purposes until application and site plan approval is provided in accordance with Chapter 17 of the Zoning Ordinance, which includes, but is not limited to, compliance with Chapters 15, 21 and 26. Final approval of the commercial phases is further subject to the following provisions:

(1) Access: The locations and number of access points to the commercial area shall be as specifically approved and shown on the Development Plan of Spring Meadows PD and as follows:

a. *North of Sun Chase*. No more than one direct access point from 32nd Avenue, approximately as indicated on the PD plan and no more than two access points from Sun Chase. Agreements to provide access easements to each abutting property to the north shall be provided prior to final PD approval and internal drives shall be extended to adjoining parcels at the time of commercial phase construction to encourage the future development of an interconnected service drive between Quincy and Sun Chase, roughly parallel to 32nd. Notwithstanding the foregoing and with respect to the Trilogy Health Services portion of the Development, Trilogy Health Services, LLC shall not be required to provide agreements or access easements to the northern abutting property.

b. *South of Sun Chase*.

1. Access shall be as shown generally on the Jamestown Meadows Final Planned Development Site Plan, with no more than two (2) direct access points from 32nd Avenue, as indicated on the Jamestown Meadows Final Development Site Plan.

2. An agreement to provide access easements to abutting properties to the south for the future development of an interconnecting service drive from Sun Chase to Greenly is also required as well as

the construction of an internal drive to the adjacent parcel at the time of commercial phase construction.

3. At such time as the Developer obtains site plan approval from the Township for the Commercial Phase and prior to issuance of a building permit for such Commercial Phase, Developer shall: (a) abandon the temporary cul-de-sac along Kaylee Lane, which Developer is required to construct pursuant to Section 2.0.4 of this Ordinance, and (b) either (1) construct and complete the driveway connection between Kaylee Lane and the Commercial Phase as shown on the Jamestown Meadows Final Planned Development Site Plan, along with the construction and installation of paving to connect Kaylee Lane with North Comm. Drive (as currently shown on the Jamestown Meadows Final Planned Development Site Plan) to provide access for emergency vehicles from and to Kaylee Lane and North Comm. Drive and install a “break away” gate at such driveway connection, or (2) obtain Site Plan review approval from the Planning Commission to construct and complete the driveway connection between Kaylee Lane and North Comm. Drive without the installation of a break away gate and in lieu of the other driveway connection described in (a) above (connection to the south between Kaylee Lane and the Commercial Phase).

(2) Location: The location of the commercial areas shall be limited to the area as illustrated and shown on the Jamestown Meadows Final Planned Development Site Plan.

(3) Permitted Uses: The land uses to be developed in the commercial area shall include only the uses listed below:

- a. Business and professional offices and clinics.
- b. Banks and financial institutions, including drive up and ATM service.
- c. Personal service establishments such as barber, beautician, cosmetology.
- d. Service businesses such as tax preparation, travel agencies, print shops.
- e. Indoor entertainment establishments such as bowling alleys and movie theaters.
- f. Retail sales when conducted in completely enclosed buildings, except those specifically prohibited.
- g. Restaurants and eating places (full service and drive thru).

- h. Gasoline stations and convenience stores.
- i. Hotels, motels.
- j. Automobile service and minor repair (tires, brakes, muffler, lubrication), all conducted indoors.
- k. Neighborhood/community shopping center, consisting of a mixture of permitted retail office and service uses.
- l. Churches.
- m. Public libraries.
- n. Public or private schools (Charter School), day care centers.
- o. Assisted living facilities

(4) Prohibited land uses. In addition to any use not specifically listed, the following commercial land uses are expressly prohibited in the mixed use area.

- a. Auto dealers.
- b. Mobile home, boat sales.
- c. Special controlled uses (adult oriented businesses).
- d. Outdoor amusement, businesses such as miniature golf, go-cart rides, batting cages and carnivals.

(5) Appearance: Each use in the development will conform to architectural and landscape standards which must be approved by the Township Board.

(6) Pedestrian Linkages and Open Space:

- a. Sidewalks and bike paths shall be provided as indicated on the Spring Meadows development plan and the Jamestown Meadows Final Planned Development Site Plan.

North of Sunchase

- b. A bicycle path shall be constructed at the Developer's expense along the Development's 32nd Avenue frontage and Sun Chase Avenue frontage as indicated on the Development Plan. This improvement will be constructed to a uniform standard as established by the Township. The Developer

shall construct the bike path along the Development's 32nd Avenue frontage and the sidewalk along the Developer's Sunchase frontage prior to receiving an occupancy permit.

South of Sunchase

c. A bicycle path shall be constructed at the Developer's expense along the Development's 32nd Avenue frontage and Sun Chase Avenue frontage as indicated on the Development Plan. This improvement will be constructed to a uniform standard as established by the Township. The Developer shall construct the bike path along the Development's 32nd Avenue frontage in front of and along the Commercial Phases frontage (denoted as "Phase 2" on the Development Plan), at the earlier to occur of either (1) Township site plan approval of Phase 2 as delineated on the Development Plan, or (2) zoning approval by the Township for development of the property located immediately south of and adjacent to the Development (south of South Comm. Drive).

(7) Parking: Parking in the commercial area shall be provided at a ratio of approximately three (3) spaces per one-thousand (1,000) square feet of gross floor area, provided that additional parking or less parking may be allowed at the discretion of the Planning Commission at the time of commercial area Site Plan Review. Sufficient evidence regarding the adequacy of the parking in relation to the proposed uses shall be provided for Planning Commission review. Parking for the Trilogy Health Services, LLC P.U.D. Amendment shall be provided as shown within the site plan set for the Trilogy Health Services, LLC P.U.D. Amendment described in Section 2.0(1)(e) of this Ordinance. The Developer is not required to construct that parking designated on the site plan set as "Future Deferred Parking" until such time as the Township determines on its own or as a result of complaints received that the parking as constructed for the Trilogy Health Services Facility is insufficient, in which event the Developer of the Trilogy Health Services facility shall construct the Future Deferred Parking as identified within the site plan set, not later than six (6) months after written notification is provided by the Township to the Developer

(8) Site Plan Review. Subsequent to Final PD approval of the Commercial Phase, as shown on the Jamestown Meadows Final Planned Development Site Plan, site plan review under the terms of Section 17 of the Zoning Ordinance shall be required prior to construction of each building or lot or building site approved in such Commercial Phase.

(h) Surface Water Drainage. Surface water runoff from the Development will drain to the existing drains serving the property. Storm water run-off of will be managed by the construction of an underground storm water drainage system to be placed primarily within the street system and through the construction and use of detention ponds shown on the Plan. 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 platted subdivisions as promulgated by the Ottawa County Water Resources 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 Ottawa County Water Resources Commissioner. Prior to the construction of any phase of the development, final plans for each phase of the storm water management system, including the detention ponds, shall be submitted to the Township's consulting engineers for approval in their professional judgment as to conformity with the requirements of the Ottawa County Water Resources Commissioner for platted subdivisions or deviations therefrom due to unique site conditions.

(i) 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, with the capacities and to the standards and specifications of the Township. All Plans for the water system shall be approved by the Township's engineers and other agencies or authorities having legitimate jurisdiction regarding the utility. The expenses 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 between the Township and the Developer to be executed pursuant to Article V, Section 5.3g) and Section 5.3h) of the Township's Subdivision Control Ordinance. The development agreement shall cover the 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 of extending such improvements to serve the Development. This 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.

(j) Landscaping. There shall be trees, shrubbery or other landscaping planted and maintained in the areas indicated on the Development Plan. The approval of detailed landscape plans by the Planning Commission shall be required as part of the final approval of each phase. Installation of landscaping indicated on the plan for each phase shall be required commensurate with the construction of each phase. All trees and shrubs and other landscaping for the residential units to be constructed along Kaylee Lane, including the landscaping to be installed between Kaylee Lane and the Commercial Phase, shall be installed at such time as the Developer obtains an occupancy permit for the first to be built of Building D, E, or F as shown on the Development Plan. All trees and shrubbery and other landscaping shall comply with the standards of Chapter 26 of the Zoning Ordinance.

(k) Signage and Outdoor Lighting. There shall be street lighting in the Development. The cost of installation and maintenance thereof shall be at the expense of the Developers or the lot owners or an association of such owners.

Street signs shall be consistent with the standards of the Ottawa County Road Commission.

(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 by means of restrictive covenants prepared and recorded by the Developer. All of such restrictive covenants shall be submitted to the Planning Commission, for approval in its discretion, prior to recording and approval of individual phases of the development. Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance and shall be uniform throughout the Development.

(n) Association of Owners. The restrictive covenants shall provide that an association of the owners of lots in the Development shall be established, and that certain continuing expenses of maintenance and other matters shall be the responsibility of such association. All of the restrictive covenants or other provisions pertaining to the establishing and operation of such association shall be submitted to the Planning Commission, for approval in its discretion, prior to the recording or implementation of any such provisions.

(o) Compliance with Zoning Ordinance. In addition to the requirements of this ordinance, the Development shall comply with the requirements of the Township's Zoning Ordinance including, but not limited to: Chapter 15 - 32nd Avenue/M-6 Corridor Overlay Zone; Chapter 21 - Off-Street Parking and Loading; Chapter 26 - Landscape Standards, and Section 3.34 - Screening of Refuse Containers.

Section 3. **Amendment of Section 3.0 of the Planned Development Ordinance.**

Section 3.0 of the Planned Development Ordinance is hereby amended in its entirety to read as follows:

The Township Board hereby determines that the Plan complies with the provisions of the Zoning Ordinance and promotes its intent and purposes. The Township Board further finds that the Development, on construction and use in full compliance with all of the terms and provisions of this Ordinance and the Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare. The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development

will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in the socially and economically desirable manner.

Section 4. **Enforcement.** The Township may enforce the provisions of this Ordinance and applicable provisions of the Zoning Ordinance, Building Code and other Ordinances, laws and regulations to the extent and in any manner provided by law.

Section 5. **Time Limits for Construction of Development.** The time limitations on the construction of the Development as stated in Section 19.13 of the Zoning Ordinance shall apply.

Section 6. **Publication/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 _____, 2022, and approved by me on _____, 2022.

Laurie Van Haitsma, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

First Reading: _____

Second Reading: _____

Ordinance becomes effective: _____

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 _____, 2022, 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 Rapids Press* on _____, 2022.

Candy DeHaan
Township Clerk