

# RESTATEMENT OF JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE

(Incorporating Zoning Text Amendment Ordinances prior to April 5, 2023) (Previously restated on March 5, 2008, March 5, 2012, April 30, 2015, February 22, 2018, November 11, 2019, and January 1, 2022)

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## JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE

AN ORDINANCE to establish zoning districts and regulations governing the unincorporated portions of Jamestown Charter Township; to regulate nonconforming uses and structures; to establish a Board of Appeals and delineate its duties and powers; to provide for the issuance of permits and the collection of fees therefore; to provide for the administration and enforcement of this Ordinance; to provide penalties for the violation of this Ordinance; and to provide for conflicts with other Ordinances or regulations, all in accordance with Michigan Act 110 of 2006 as amended

## CHAPTER 1 TITLE AND PURPOSE

**SECTION 1.1 TITLE.** This Ordinance shall be known and may be cited as the Jamestown Charter Township Zoning Ordinance.

**SECTION 1.2 PURPOSE.** This Ordinance is based on the Township General Development Plan and is designed to promote the public health, safety, morals and general welfare; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit the improper use of land; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location, size of and the specific uses for which dwellings, buildings and structures may hereafter be erected or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on streets; to provide safety in traffic and vehicular parking; to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; to conserve life, property and natural resources, and the expenditure of funds for public improvements and services; and to encourage the most advantageous use of land, resources and properties, and "...shall be made with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character. of land, building and population development." (MCL. 125.273)

**SECTION 1.3 LEGAL BASIS.** This Ordinance is enacted pursuant to Public Act 110 of 2006, The Michigan Zoning Enabling Act, as amended.

### **SECTION 1.4 SCOPE.**

1. This Ordinance is intended to establish zoning districts in the unincorporated portions of Jamestown Charter Township, within which are provided various districts for the use of land the purpose of which is to meet the needs of the state's citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to insure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and public service and facility requirements; and to promote public health, safety and welfare.
2. The regulations herein are for designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety and protective measures that shall be required for and the maximum number of families that may be housed in dwellings, buildings and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of Ordinances and amendments to Ordinances; to provide for the regulation of nonconforming property; to provide for the administering of this Ordinance; to provide for conflicts with other acts, Ordinances or regulations; to provide sanctions for violations; to provide for collection of fees for building permits; to provide for public hearings; and to provide for appeals.
3. This Ordinance also contains measures regulating land development by designating or limiting the location, the height, number of stories and size of dwellings, buildings and structures that may be erected or altered, including tents and trailer coaches and the specific uses for which dwellings, buildings and structures, including tents and trailer coaches, may be erected or altered; the area of yard, courts and other open spaces and the sanitary, safety and protective measures that shall be required for the dwelling, buildings

and structures, including tents and trailer coaches; and the maximum number of families which may be housed in buildings, dwellings and structures, including tents and trailer coaches, erected or altered.

4. No building or structure, or part thereof, shall hereafter be erected, constructed, or altered and maintained and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.
5. This Ordinance shall not repeal, abrogate or annul or in any way impair or interfere with existing provisions of other laws, Ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed on property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations or requirements on
  - A. the use of buildings, structures or land,
  - B. the height of buildings and structures,
  - C. lot coverage,
  - D. lot area,
  - E. yards or other open spaces, or
  - F. any other use or utilization of land imposed or required by such existing laws, Ordinances, regulations, private restrictions or restrictive covenants, the provisions of this Ordinance shall control.

## CHAPTER 2 DEFINITIONS

**SECTION 2.1 RULES APPLYING TO TEXT.** The following listed rules of construction shall apply to the text of this Ordinance.

- A. The particular shall control the general.
- B. Except with respect to the definitions which follow in Sections 2.3 through 2.67, the headings which title a Chapter, section or subsection are for convenience only and are not to be considered in any construction or interpretation of this Ordinance.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Unless the context clearly indicates to the contrary: words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.
- E. A "building" or "structure" includes any part thereof.
- F. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them as well as a natural person.
- G. The words "used" or "occupied", as applied to any land, building or structure, shall be construed to include the words "intended", "arranged", or "designed to be "used", or "occupied".
- H. The words "erected" or "erection" as applied to any Building or Structure, shall be construed to include the words "build", "constructed", "reconstructed", "moved on", or any physical operation or work on the land which the building or structure is to be built, constructed, reconstructed or moved on, such as excavation, filling, drainage or the like.
- I. The word "Township" means the Jamestown Charter Township.
- J. The words "Township Board" mean the Jamestown Charter Township Board.
- K. The words "Planning Commission" mean the Jamestown Charter Township Planning Commission.
- L. The words "Board of Appeals" mean the Jamestown Charter Township Zoning Board of Appeals.
- M. The words "Zoning Administrator" mean the Jamestown Charter Township Zoning Administrator.
- N. The words "Township Building Code" mean the adopted Building Code of Jamestown Charter Township.
- O. The words "legal record" means the circumstance where the legal description of a Lot or parcel of land has been recorded as part of a document on record in the office of the Register of Deeds.

**SECTION 2.2 WORDS DEFINED.** For the purpose of their use in this Ordinance, the following terms and words are hereinafter defined. Any word or term not defined herein shall be considered to be defined in accordance



with its common or standard definition. To facilitate their understanding and use, the words defined herein are capitalized throughout the text of this Ordinance.

**SECTION 2.3 ACCESSORY BUILDING OR STRUCTURE.** A Structure, Building or portion of a main building or structure, not involving human occupancy, located on the same lot or parcel of land as the main building or buildings, the use of which is of a nature customarily and clearly incidental and subordinate to that of the main building or structure. Where an accessory building is attached to the main building the accessory building shall be considered a part of the main building for purposes of determining compliance with the yard area and setback requirements of the zoning district in which it is located.

For further purposes of this Ordinance, accessory buildings are classified and defined as follows:

Non-residential Accessory building: A building accessory to the principal commercial, industrial, public or semi public structure and use of a lot or parcel and which is not classified as a farm building as defined in Section 2.38.

Residential Accessory building: A building accessory to the principal residential dwelling and use of a lot or parcel or a building that is accessory to a farm dwelling as defined in Section 2.28 and which is not classified as a farm building as defined in Section 2.38.

Solar Energy Equipment/System: Solar energy equipment/systems shall be considered an accessory building for purposes of this Ordinance, and are defined to include solar collectors, controls, energy storage devices, heat pumps, heat exchangers and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar.

**SECTION 2.4 ACCESSORY USE.** A use of a nature customarily and clearly incidental and subordinate to the main use of the land, lot, building or structure.

**SECTION 2.5 AGRICULTURE.** Commercial farming in all of its branches, including: field crop production; fruit and vegetable production; dairying, pasturage; apiaries; horticulture; floriculture; viticulture; animal and poultry husbandry; and the necessary accessory uses for packing, processing, treating or storing of produce; provided, however, that above uses shall not lead to commercial feeding of garbage or offal to swine or other animals.

**SECTION 2.6 ALLEY.** Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

**SECTION 2.7 ALTERATION, STRUCTURAL.** Any change, addition or modification in the construction of any building or structure, including, without limitation, any change in the supporting members, bearing walls, columns, posts, beams, girders or roof structure, any architectural change of interior or exterior of building or structure which may affect its structural integrity, or any addition to or any addition of a structure or building.

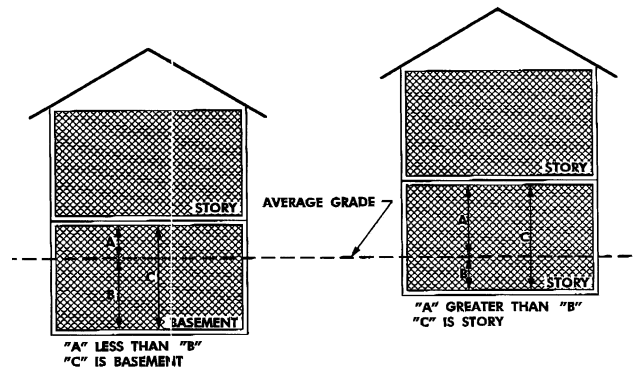
**SECTION 2.8 ARTERIAL, PRIMARY.** Those streets designated as primary arterials in the Township General Development Plan.

**SECTION 2.9 ARTERIAL, SECONDARY.** Those streets designated as secondary arterials in the Township General Development Plan.

**SECTION 2.10 BASEMENT.** That portion of a building which is partially or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance

from the average grade to the ceiling. A basement shall not be counted as a story.

### Basement and Story



**SECTION 2.11 BEDROOM.** A room originally designed and primarily intended for sleeping. It also includes closets or similar provisions for the storage of personal items.

**SECTION 2.12 BED AND BREAKFAST LODGING.** A single family residential structure which was constructed for, and is used as, a single-family residence and is occupied by the owner but which may be used as temporary lodging for travelers/guests. Bedrooms are rented on a nightly basis, with breakfast, as regulated and limited by the State, included in the price of the room subject to the limitations outlined in the Ordinance.

**SECTION 2.13 BLIGHT.** Blight shall be defined as including but not limited to any of the following:

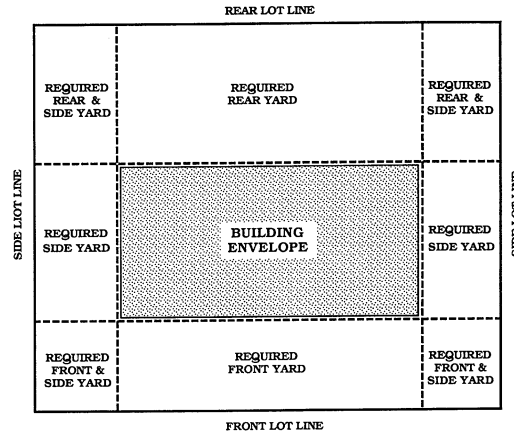
- A. Storage of Building Materials Without a Valid Building Permit:
- B. Storage of Junk, Trash, Litter, etc.:
- C. Dilapidated Buildings:
- D. Unsecured Buildings:
- E. Partially Completed Buildings:
- F. Motor Vehicles, etc.:

**SECTION 2.14 BUILDING.** Any structure which is erected, either temporary or permanent, (including a Mobile Home) having a roof, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses.

**SECTION 2.15 BUILDING, MAIN.** A structure in which is conducted the principal use of the lot on which it is situated.

**SECTION 2.16 BUILDING ENVELOPE.** The space remaining after compliance with the minimum required setbacks and the minimum open space requirements of this Ordinance. (Refer to illustration.)

### Building Envelope



**SECTION 2.17 BUILDING FOOTPRINT.** The footprint of the building is equal to the area of the building foundation as measured from the exterior faces of the foundation walls.

**SECTION 2.18 BUILDING HEIGHT.** The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.

**SECTION 2.19 CHILD CARE CENTER.** A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Child care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than three (3) hours, while persons responsible for the children are attending religious services.

**SECTION 2.20 CONDITIONAL REZONING.** A rezoning of property which is conditioned by a specific use and approved site plan.

**SECTION 2.21 CONGREGATE HOUSING.** A dwelling unit providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance. Such a facility offers residents a semi-independent lifestyle, but does not provide the intensive personal care such as dispensing of medication and round the clock nursing care of a nursing home.

**SECTION 2.23 DEVELOPMENT PLAN.** The drawings and specifications of a proposed development showing its topography, the location of buildings and structures; all un-enclosed uses; parking, loading and traffic handling facilities; storm drainage; typical floor plans; elevation drawings; prominent natural features of the landscape; a detailed statement of the proposed use or uses; and other relevant information, data and documentation

concerning the proposed development, all in sufficient detail to enable the Township to study and evaluate the proposed development.

**SECTION 2.24 DRIVE-IN BUSINESS.** A business establishment so developed that its retail or service character includes a driveway approach or parking spaces for Vehicles to serve patrons while in or on the Vehicle, either exclusively or in addition to service within the building.

**SECTION 2.25 DUMP.** An open area where waste, refuse, garbage, rubbish and other unwanted materials of a community are deposited without an earth cover.

**SECTION 2.26 DWELLING.** Any Building or part of thereof, occupied in whole or in part as a home, residence or sleeping place by one (1) or more persons, either permanently or transiently, but not including Recreational Vehicles, Motels, tourist homes, or cabins.

**SECTION 2.27 DWELLING, BELOW-GRADE.** A dwelling which is partially or wholly below grade but so located that the vertical distance from the average grade to the main floor joists is greater than the vertical distance from the average grade to the ceiling joists.

**SECTION 2.28 DWELLING, FARM.** A one family dwelling located on an active farm serving as the principal residence for the family owning, and operating or otherwise principally engaged in conducting the business of said farm.

**SECTION 2.29 DWELLING, ONE FAMILY.** A dwelling designed for use and occupancy by one (1) family only.

**SECTION 2.30 DWELLING, TWO FAMILY.** a dwelling designed for use and occupancy by two (2) families only and having separate living, cooking, eating facilities and entrance for each family.

**SECTION 2.31 DWELLING, MULTIPLE FAMILY.** A dwelling designed for use and occupancy by three (3) or more families having separate living, cooking, eating facilities and entrance for each family.

**SECTION 2.32 DWELLING UNIT.** A room or suite of rooms designed for use and occupancy by one (1) Family only.

**SECTION 2.33 ERECTED.** Includes built, constructed, reconstructed, moved or any physical operation on premises required for construction. Excavation, fill, drainage and the like shall be considered a part of erection.

**SECTION 2.34 ESSENTIAL SERVICES.** Essential Services means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, piping conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith, but not including Buildings, except those necessary to house the foregoing, reasonably necessary for the furnishing of utility service by such public utilities or municipal department or commission for the public health or safety or general welfare.

**SECTION 2.35 FAMILY.**

- A. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

- B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term of terms or other similar determinable period.

**SECTION 2.36 FAMILY DAY CARE HOME.** A private residence in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

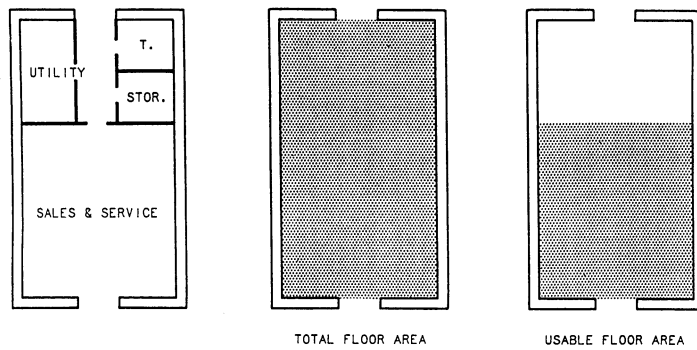
**SECTION 2.37 FARM.** A farm is a form of business enterprise intended for the production of raw agricultural products in which the entrepreneurial decisions (what shall we produce, how shall we produce it, for whom and for how much) are made by a family or other persons or entity engaged in the production of agricultural products, as described herein, for sustenance or profit. A farm is further defined as all the contiguous, neighboring or associated land, along with the plants, animals, buildings, structures, ponds, machinery, equipment and other appurtenances which when taken collectively, functions as a single unit, for the commercial production of agricultural products. Stone quarries, gravel and sand pits, sawmills, retail sales, livestock auction houses, slaughterhouses and meat and dairy processing plants are not considered farms or farm uses hereunder.

**SECTION 2.38 FARM BUILDING.** Any Building or Structure, other than a Dwelling, which is customarily used in connection with the Agricultural activities conducted on the Farm.

**SECTION 2.39 FLOOR AREA.** The sum of the horizontal areas of each story of the Building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of unfinished Basements and attics, private attached Garages, breezeways and enclosed and unenclosed porches.

**SECTION 2.40 FLOOR AREA, GROSS.** Area measured to the exterior face of exterior walls and to the centerline of interior partitions; plus, similarly measured, that area of all other stories having more than six and one-half (6.5') feet of headroom which may be made usable for human habitation; but excluding the floor area of cellars, attics, garages, breezeways, porches and accessory buildings.

**SECTION 2.41 FLOOR AREA, USABLE.** For the purpose of computing parking, that area used for, or intended to be used for, the sale of merchandise or services, or to serve patrons, clients, or customers. For the purposes of computing parking need, accessory floor area which is used, or intended to be used, principally for the storage or processing of merchandise, hallways, utility, and sanitary facilities, dance floors, stages, or other areas that do not generate any additional parking demand beyond that required for the primary use shall be excluded from this computation of "Usable Floor Area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. (Refer to illustration).



**SECTION 2.42 FOSTER CARE FACILITY.** A residential care facility licensed by the state of Michigan under Act 287 of 1972 of the Public Acts of Michigan as amended or Act 116 of 1973 of the Public Acts of Michigan, which provides resident care services with twenty-four (24) hour supervision or care. The term does not include such facilities licensed by the state which provide care and treatment of persons released from or assigned to adult correctional institutions.

**SECTION 2.43 GARAGE, COMMERCIAL.** A building used for parking, storing, caring for, renting, servicing, repairing, refinishing, equipping, adjusting, and otherwise working on vehicles for compensation.

**SECTION 2.44 GARAGE, PRIVATE.** Part of a building or accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

**SECTION 2.45 GASOLINE SERVICE STATION.** A Building, Structure and/or land used in combination for either/or: the sale and installation in or on Vehicles of the usual operating commodities such as gasoline, fuel oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories; the availability of services such as hand-washing, wiping, cleaning and waxing without automatic equipment, repair of tires, and lights, charging of batteries and tune-ups; and the sale of other convenience products provided that other uses included herein above are the primary source of profit for the station. General repairs, rebuilding, or reconditioning of engines or Vehicles, collision service (including body repair and frame straightening), painting, upholstery or Vehicle steam cleaning or undercoating shall be considered outside this definition of a Gasoline Service Station.

**SECTION 2.46 GREENBELT.** A planting strip which shall be at least fifteen (15) feet in width composed of the following: (1) deciduous and evergreen trees capable of attaining a height at maturity of not less than thirty-five (35) feet spaced not more than twenty-five (25) feet apart; (2) not less than one (1) row of dense deciduous and evergreen shrubs capable of attaining at height at maturity of not less than five (5) feet and spaced not more than five (5) feet apart. The Planning Commission may require greater Greenbelt widths, heights and densities if deemed necessary to provide adequate screening or buffering.

**SECTION 2.47 GREENHOUSE.** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**SECTION 2.48 GROUP DAY CARE HOME.** A private residence in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given

care and supervision for periods of less than twenty four (24) hour a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

**SECTION 2.49 GROUND FLOOR.** The first floor (ie, the lowest floor in elevation) in a building which does not have a basement. The first floor above the basement in a building with a basement.

**SECTION 2.50 HAZARDOUS SUBSTANCE.** Hazardous substance means one or more of the following:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Public Law 96-510, 94 Stat. 2767.
- C. "Hazardous waste" as defined in the Hazardous Waste Management Act, Act No 64 of the Public Acts of 1979, being Sections 299.501 to 299.551 of the Michigan Compiled Laws.
- D. "Petroleum" as defined in the Leaking Underground Storage Tank Act, Act No. 478 of the Public Acts of 1988, being Sections 299.831 to 299.850 of the Michigan Compiled Laws.

**SECTION 2.51 HOME OCCUPATION.** A gainful occupation permitted within all detached one family dwellings or within one completely enclosed residential accessory building, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.

**SECTION 2.52 JUNK.** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing or scrap metals or other trash, rubbish, refuse or scrap materials that are damaged or deteriorated beyond reasonable use, except if in a completely enclosed building. Further, any inoperable or abandoned motor vehicle which is not licensed for use on the highways of the State of Michigan for a period in excess of thirty (30) days, and any motor vehicle, whether so licensed or not, which is inoperative for any reason for a period in excess of thirty (30) days and which is not in a completely enclosed building. It does not include domestic refuse if it is stored so as to not create a nuisance and is thirty (30') feet or more from any residential structure for a period not to exceed seven (7) days.

**SECTION 2.53 JUNKYARD.** A business or industrial activity which is principally involved in the collection, reduction, baling, processing, sorting, dismantling or compacting of used metal, used machinery or equipment, used materials, used furnishings or other junk salvage or waste, for resale of said items or parts thereof or the sale of basic materials thereof. A Junkyard includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage or keeping of junk but does not include uses established entirely within an enclosed building. May also be referred to as a salvage yard.

**SECTION 2.54 KENNEL, COMMERCIAL.** Any place where four (4) or more dogs, cats, or other domestic pets four (4) months of age or older are kept temporarily or permanently, with or without association with a veterinary clinic, as a for-profit business.

**SECTION 2.55 KENNEL, PRIVATE.** Any place where four (4) or more dogs, cats, or other domestic pets four (4) months of age or older are kept temporarily or permanently for any reason other than a for-profit business.

**SECTION 2.56 LOADING SPACE.** An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials.

**SECTION 2.57 LOT.** Contiguous land in the same ownership which is not divided by any Street or alley, including any part thereof subject to any easement for any purpose other than a Street or alley, but excluding any part thereof severed from another Lot where the severance creates any nonconformity for any use, Building or Structure.

**SECTION 2.58 LOT AREA.** The total horizontal area within the lot lines of the lot, excluding any public or private easements for right-of-way purposes.

**SECTION 2.59 LOT, CORNER.** A Lot located at the intersection of two (2) or more Streets where the corner interior angle formed by the intersection of the Streets is one hundred thirty-five (135) degrees or less or a Lot abutting on a curved Street or Streets if tangents to the curve, at the two (2) points where the Lot lines meet the curve, form an interior angle of one hundred thirty-five degrees (135°) or less. Where a Lot is bounded by two (2) Streets, the Front Yard requirements will be met for each Street.

**SECTION 2.60 LOT DEPTH.** The mean horizontal distance from the front lot line to the rear lot line.

**SECTION 2.61 LOT, FLAG.** A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway.

**SECTION 2.62 LOT, INTERIOR.** A Lot other than a Corner Lot.

**SECTION 2.63 LOT, THROUGH.** An Interior lot having frontage on two (2) or more streets.

**SECTION 2.64 LOT, WIDTH.** The horizontal distance between the side lot lines, measured at the two points where the building line, or setback, intersects the side lot line.

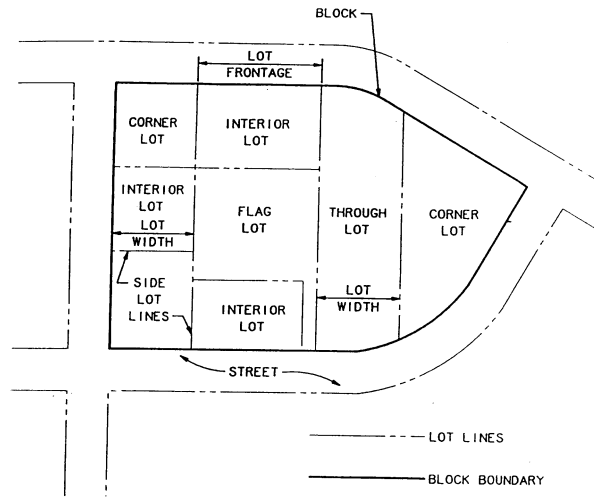
**SECTION 2.65 LOT LINE, FRONT.** The lot line separating the lot from the right-of-way for the abutting public or private street. In the case of a lot served by a single or joint driveway, it shall generally be the narrowest lot line closest to the public street, or such other lot line designated by the property owner and approved by the zoning administrator to provide setbacks consistent with the character of the area considering the orientation of buildings on adjacent properties.

**SECTION 2.66 LOT LINE, REAR.** The lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular, triangular or gore lot shall be a line entirely within the lot at least ten (10) feet long and generally parallel and most distant from the front lot line.

**SECTION 2.67 LOT LINE, SIDE.** Any lot line that is not a front lot line nor a rear lot line.



## Lot Types.



**SECTION 2.68 MINERAL RESOURCE EXTRACTION.** The removal or extraction of sand, gravel, soil, rocks, or other mineral resources from any Lot or parcel of land within the Township except where such removal is clearly incidental to the construction of a Building or if the cumulative volume of material removed is less than three hundred (300) cubic yards or is not sold or used as a part of a larger Mineral Resource Extraction operation or is the result of the creation of an outdoor pond or farm manure lagoon under Section 3.9 herein. (Reference Township Ord. #115B)

**SECTION 2.69 MOBILE HOME.** A Dwelling Unit built to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, manufactured to be transportable in one (1) or more sections and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this Ordinance only, a Mobile Home which meets all specifications of the Township Building Code pertaining both to the structure itself and to the manner in which it is affixed on the lot, shall be deemed a One-Family Dwelling and regulated accordingly.

**SECTION 2.70 MOBILE HOME DEVELOPMENT.** A tract of land on which three (3) or more Mobile Homes or similar pre-manufactured Structures meeting the Township Building Code are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any Building, Structure, enclosure, Street, equipment, or facility used or intended for use incident to the occupancy of a Mobile Home or similar Structure meeting the Township Building Code and which is not intended for use as a temporary trailer or Recreational Vehicle Park.

**SECTION 2.71 MOTEL.** A Building or series of Buildings, attached or detached, designed, used or offered for residential occupancy on a temporary basis and designed primarily to accommodate the traveling public.

**SECTION 2.72 NONCONFORMING BUILDING.** A building or portion thereof lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current provisions of the Ordinance in the district in which it is located.

**SECTION 2.73 NONCONFORMING LOT OF RECORD.** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, that fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**SECTION 2.74 NONCONFORMING USE.** A use of a building or of a parcel of land, lawfully existing at the effective date of this Ordinance, or affecting amendment, that does not conform to the current regulations of the zoning district in which it is located.

**SECTION 2.75 NUISANCE.** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise; dust; smoke; odor; glare; fumes; flashes; vibration; objectionable effluent; noise of a congregation of people, particularly at night; passing traffic; or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

**SECTION 2.76 OPEN SPACE PRESERVATION PROJECT** A single family development where at least 50 percent of the project site is permanently preserved in an undeveloped state and the dwellings are placed on the remaining land.

**SECTION 2.77 PARK.** Any non-commercial recreational area.

**SECTION 2.78 PATH, PEDESTRIAN.** A paved surface paralleling and usually separate from the paved surface of a street or road, typically installed on one side of a street or road only, which is wider than a sidewalk and is for used for non-motorized modes of transportation.

**SECTION 2.79 PLANNING COMMISSION:** The Jamestown Charter Township Planning Commission

**SECTION 2.80 PLANNED UNIT DEVELOPMENT:** An area of a minimum contiguous size, as specified by this Ordinance, to be planned, developed, operated and maintained as a single entity and containing one or more residential neighborhoods, appropriate commercial, public or private recreational uses, and common open space areas in such combination as provided in this Ordinance.

**SECTION 2.81 POND.** An outdoor body of standing water, accumulated in a natural or artificially constructed basin or depression on any Lot or parcel of land, either above or below or partially above or partially below grade, capable of holding water to a depth of greater than two (2) feet when filled to capacity.

**SECTION 2.82 PRINCIPAL STRUCTURE.** Any building for any primary use or use subject to Special Land Use review as defined in each zoning classification, not including accessory structures.

**SECTION 2.83 PRINCIPAL USE.** The principal use to which the premises are devoted and the principal purpose for which the premises exist.

**SECTION 2.84 PUBLIC UTILITY.** Except for Wireless Communication Facilities, any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under state or municipal regulations to the public: electricity, gas, steam, communications, telephonic, transportation, sewer or water.

**SECTION 2.85 REAL VALUE.** The true cash value or the usual selling price of a property, as generally defined by the Michigan General Property Tax Act, Act 206 of 1893.

**SECTION 2.86 RECREATIONAL VEHICLE.** Any Vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes only, including a Vehicle having its own motor power or a Vehicle mounted on or drawn by another Vehicle.

**SECTION 2.87 ROADSIDE STANDS.** A Farm Building or Structure used solely by the owner or tenant of the Farm on which it located for the sale of Agricultural products produced in the immediate locality, or for the storage of personal equipment or belongings when not used for the sale of produce.

**SECTION 2.88 SANITARY LANDFILL.** A planned process through which waste, refuse, garbage, rubbish and other unwanted materials are deposited in a natural or man-made depression or trench or dumped at ground level, compacted to the smallest practical volume and covered with compacted earth or similar material in a systematic and sanitary manner. Sanitary landfill operations include detailed site selection and preparation activities which ensure sanitary conditions and the site is normally reclaimed for future land uses.

**SECTION 2.89 SANITARY SEWER.** A system of underground pipes that carries sewage from bathrooms, sinks, kitchens, and other plumbing components to a central wastewater treatment plant.

**SECTION 2.90 SERVICE DRIVE.** A drive located on private property designed for the internal circulation of customer and/or employee traffic on that property.

**SECTION 2.91 SETBACK.** The minimum unoccupied distance between the lot line and the principal and accessory structures, as required herein.

**SECTION 2.92 SETBACK, FRONT.** Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the front lot line. In the case of a through lot or corner lot, all sides fronting a street shall comply with the front setback requirement for that district.

**SECTION 2.93 SETBACK, REAR.** Minimum required unoccupied distance, extending the full lot width, between the principal and accessory structures and the lot line opposite the front lot line.

**SECTION 2.94 SETBACK, SIDE.** Minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory structures and the side lot line.

**SECTION 2.95 SIGNS.** Reference Chapter 24 Signs, Section 24.2 Definitions, for all sign related definitions.

**SECTION 2.96 SITE PLAN.** Sketches and drawings of a proposed use or development showing the location and dimensions of all Buildings and Structures, parking and loading facilities, and other Vehicle or pedestrian traffic handling facilities. Each Site Plan must clearly indicate the location of the site involved and included a written statement of the proposed use or uses.

**SECTION 2.97 STORY.** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined shall not be counted as a story when the space meets the definition of a basement.

**SECTION 2.98 STORY, HALF.** An uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy five (75) percent of the floor area of the story immediately below. Tri-level shall be considered one and one-half story.

**SECTION 2.99 STREET.** A publicly controlled right-of-way which affords principal means of access to abutting property including any avenue, place, way, drive, lane, boulevard, highway, road or other thoroughfare, except an alley.

**SECTION 2.100 STREET, PRIVATE.** The term private road or street shall mean a privately maintained roadway serving three or more parcels of land or residential building sites and constructed on a privately owned easement, as a common element of a site condominium or similar arrangement. A private street does not include parking areas or internal circulation drives within a multi-unit development, shopping center or similar arrangement.

**SECTION 2.101 STRUCTURE.** Any constructed, erected or placed material or combination of materials in or on the ground, including, but not by way of limitation, Buildings, radio towers, sheds, Signs and storage bins, but excluding sidewalks and paving on Streets, driveways, parking areas and patios.

**SECTION 2.102 VEHICLE.** Every device in, on or by which any person or property is or may be transported or drawn on a Street, except devices propelled by human power or used exclusively on stationary rails or tracks.

**SECTION 2.103 WILD ANIMALS.** The term "Wild Animals" as used herein shall include but not necessarily be limited to lions, tigers, lynx, bobcats, bears, poisonous reptiles, alligators, crocodiles, caiman, poisonous fish, insects, arachnids, and any other life form that is incapable of being completely domesticated. The characterization of an animal as being "wild" shall not be altered by virtue of the fact that one or more generations of the animal in question has/have been maintained in captivity.

**SECTION 2.104 WIRELESS COMMUNICATION FACILITIES (WCF).** The following four definitions, related primarily to Chapter 23, shall apply in the interpretation of this Ordinance.

Wireless Communications Facilities (WCF).

All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; federally licensed amateur (ham) radio facilities; satellite dishes; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Attached Wireless Communications Facilities.

Wireless Communication Facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A newly proposed wireless communication support structure shall not be included within this definition.

Wireless Communication Support Structures.

Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, mono-poles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Co-location.

The location by two or more wireless communication providers of Wireless Communication Facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the community.

**SECTION 2.105 YARD.** A required open space other than a court, unoccupied and unobstructed by any Building or Structure or portion thereof from thirty (30) inches above the general ground level of the Lot parcel of land upward; provided, however, that fences, walls, poles, posts and other customary Yard accessories, ornaments and furniture maybe permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility. Yard measurements shall be taken from the foundation line. Attached Garages, steps and enclosed porches shall be considered as encroaching on the required yard.

**SECTION 2.106 YARD, FRONT.** The Yard extending across the full width of the Lot or parcel of land, the depth of which is the distance between the Front Lot Line and the foundation line of the Building or Structure. In the case of waterfront Lots, the Yard on the Street side shall be Front Yard. Where a Lot is bounded by two (2) Streets, the Front Yard requirements will be met for each Street.

**SECTION 2.107 YARD, REAR.** A Yard extending across the full width of the Lot or parcel of land, the depth of which is the distance between the Rear Lot Line and the rear foundation line of the main Building.

**SECTION 2.108 YARD, SIDE.** A Yard between the main Building and the Side Lot Line extending from the Front Yard to the Rear Yard. The width of the required Side Yard shall be measured from the nearest point of the Side Lot Line to the nearest part of the main Building.

**SECTION 2.109 ZONING ADMINISTRATOR:** The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board.

**SECTION 2.110 ZONING DISTRICT (ZONE):** A portion of the Township within which specific regulations and requirements, or various combinations thereof, apply as provided in this Ordinance.

## CHAPTER 3 GENERAL PROVISIONS

**SECTION 3.1 APPLICATION OF GENERAL PROVISIONS.** The contents of this Chapter are intended to provide general and miscellaneous zoning requirements which, unless specifically stated otherwise, apply to all Zoning Districts.

**SECTION 3.2 ACCESSORY BUILDINGS, STRUCTURES AND USES.** In any Zoning District, Accessory Buildings, incidental to a principal permitted use, are permitted when located on the same lot or parcel of land and developed in accordance with the requirements of the applicable Zoning District and the following general provisions:

- A. General: No accessory building shall be located on any lot or parcel of land prior the erection of the principal building except as follows:
  - 1. A temporary construction office/tool shed facility used for and during construction of the principal building or use. The use of a temporary construction office/tool shed shall terminate on completion of the principal building or buildings on the premises. If not in compliance with the terms of this Section, the building shall be removed on completion of the principal building.
  - 2. A detached accessory building and a principal building may be erected concurrently. A building permit for the accessory building shall not be issued until such time that construction of the principal building has been at least ten (10) percent completed.
  - 3. Semi-trailers, shipping containers and other containers and roofed structures not specifically constructed or designed for use as stationary buildings shall not be considered as, used as, or converted to accessory buildings in any zoning district.
  
- B. Not to be habitable: Except as specifically provided by Section 3.26 of this Ordinance, no accessory building, shall be used to provide living quarters for human beings.
  
- C. Business Use Restriction: Except for farm buildings used in direct support of farming operations, or unless otherwise specifically approved under provisions of this Ordinance, no accessory building located within an AR, R-1, R-2 or R-3 or residential planned unit development shall involve the conduct of any business, trade or industry.
  
- D. Harmonious Construction. In all zoning districts attached and detached accessory buildings which are not classified as farm buildings shall be constructed of materials which are in general harmony with the main building to which they are accessory and to other accessory buildings located on the same property.
  
- E. Building Separation: The distance between an Accessory Building and any principal Building shall not be less than ten (10) feet. Accessory buildings shall be considered as being attached to and part of a principal building when the distance between the two (2) buildings is solidly covered by a breezeway, portico, covered colonnade or similar architectural device.
  
- F. Front Yard Setbacks: On any property less than two acres in size no detached garage or other detached residential or non-residential accessory building shall be located closer to the front property line than the face of the principal use building. On properties two (2) acres in size or greater the Planning Commission may authorize the placement of a detached

accessory building closer to the front property line than the face of the principal use building as a special use under the provisions of Section 18.5 F.

- G. Side and Rear Yard Setbacks- In any AP, AR, R-1, R-2, or R-3 District no detached accessory building shall be located nearer than five (5) feet to a side or rear lot line and any accessory building larger than one hundred (100) square feet in area shall be located at least ten (10) feet from the side and rear lot line. In all other zoning districts accessory buildings shall comply with the side and rear yard setback requirements for principle buildings.
- H. Private Garages – Attached and Detached: Only one private garage, attached or detached, per dwelling unit is permitted by right on any lot used for single family or attached one, two, three or four family residential purposes in any zoning district.
1. Attached garages: For single family residential dwellings, the maximum size of an attached private garage shall be limited to eight hundred thirty two (832) square feet for the first one thousand (1000) square feet of floor area contained in the dwelling. For each whole increment of five (5) square feet that the floor area of the dwelling exceeds one thousand (1000) square feet, the floor area of the attached garage may be increased by one (1) square foot. For two, three or four family dwellings, the maximum size of an attached garage shall be limited to five hundred twenty eight (528) square feet per dwelling.
  2. Detached garages: For single family dwellings the maximum size of a detached garage permitted by right shall be limited to 832 square feet of floor area. For two, three or four family dwellings single and multi-unit garage facilities are permitted provided that the maximum size of a single or multi-unit detached private garage shall not exceed five hundred twenty eight (528) square feet of floor area per dwelling.
- I. Detached Residential Accessory Buildings Not Classified As Garages, Limitations: In addition to the exempt structures allowed under Subsection 3.2 L, detached residential accessory buildings not classified as private garages may be permitted as follows:
1. *Lots of less than 30,000 square feet.* One detached residential accessory building other than a private garage is permitted on lots of less than thirty thousand (30,000) square feet in area. The floor area of the detached accessory building may equal three (3) percent of the total lot area.
  2. *Lots of 30,000 square feet or greater.* Up to two detached residential accessory buildings other than a private garage are permitted by right on lots of thirty thousand (30,000) square feet or greater unless the structure is an exempt structure under Section 13.2 L below, or unless the building is classified as a farm building. The total floor area for all such buildings permitted by right is limited to three (3) percent for the first 30,000 square feet of lot area, and then four (4) percent of the total lot area exceeding 30,000 square feet.
- J. Eaves height: Detached garages and other residential or non-residential accessory buildings within the R-1, R-2, R-3 District are permitted to have an eaves height of ten feet and a building height of sixteen (16) feet. Within the AR District an eave height of fourteen (14)

feet and a building height of twenty (20) feet is permitted by right. The provisions of Section 3.23 shall govern the height of non-residential accessory buildings located in all C, B/I and I-2 Districts, as applicable.

- K. Temporary Accessory Buildings: Except as may be permitted for special events of a specified duration, tents or other accessory buildings not having rigid wall and/or roof construction are prohibited.
  
- L. Exempt Structures. The following attached or detached residential accessory buildings and structures are permitted and are exempt from the provisions limiting the number and square footage of accessory buildings: A pool house, garden house, greenhouse, children's playhouse, gazebo or similar buildings for a use customarily incidental to the use of a lot occupied for purposes of a single-family, two-family or multi-family residential dwelling, not to exceed two hundred fifty (250) square feet in combined total area, and with an eaves height not to exceed eight feet.
  
- M. The Planning Commission may, through the issuance of a special use permit, authorize the following:
  - 1. On residential lots of thirty thousand (30,000) square feet or greater, a detached residential accessory building that would exceed the number of buildings allowed by right under the requirements of this Section.
  - 2. On residential lots of thirty thousand (30,000) square feet or greater, an increase in the floor area of a detached garage or residential accessory building above the limit permitted by right under the provisions of Section 3.2 H, sub-paragraph 2 and Section 3.2 I, sub-paragraph 2.
  - 3. In any zoning district, a detached garage or accessory building when located between the street right-of-way and the principal use building if located on a lot or parcel of greater than two (2) acres in size.
  - 4. An increase in the eaves height of a detached garage or residential or non-residential accessory building above the limit allowed as a matter of right under the provisions of Section 3.2 J.

When considering such authorization, the Planning Commission shall review the following:

- 1. The proximity of the building or garage to adjoining properties, specifically including proximity to occupied dwellings. The building or garage shall be located to meet or exceed the minimum front and side yard setback requirements for principal use buildings allowed in the district.
- 2. Potential traffic hazards at the driveway and street intersection. Additional driveways are discouraged and may be prohibited.
- 3. Existing or proposed landscaping. Additional plantings or fencing may be required to screen the building or garage from adjoining properties.
- 4. The proposed use of the building



- N. Solar Energy Equipment System. For the purposes of applying this Section 3.2, a solar energy equipment/system shall be considered an accessory building, and is therefore subject to same size and numerical limitations that apply to accessory buildings.

**SECTION 3.3 DANGEROUS BUILDINGS.** Nothing in this Ordinance shall be deemed to prohibit the Building inspector from ordering the strengthening or repair of any Building which is unsafe or hazardous.

**SECTION 3.4 HOME OCCUPATIONS.** Home occupations are permitted as a special use in any "AR", "R-1", or "R-2" Zoning District, except as otherwise provided herein. All home occupations shall be subject to the following restrictions and regulations:

- A. The home occupation shall be conducted only by persons residing on the premises. Not more than one (1) person shall be employed who is not a resident of the premises.
- B. The home occupation may be conducted either: (i) within the living area or basement of the dwelling itself; or (ii) in an attached garage, or attached or detached accessory building, but not in both (i) and (ii). If conducted within the living area or basement of a dwelling, the home occupation shall occupy a floor area not greater than twenty (20) percent of the gross floor area of the dwelling, or three hundred (300) square feet, whichever is less. If conducted in an attached garage, or attached or detached accessory building, the home occupation shall occupy a floor area not greater than five hundred (500) square feet.
- C. For the purpose of identification of such use in the AR Zoning District, one (1) non-illuminated ground sign erected in accordance with Section 24.12C of this Ordinance may be permitted. For the purpose of identification of such use in the R-1 or R-2 Zoning District, one (1) non-illuminated sign not exceeding two (2) square feet in area may be permitted on a street of thirty-five (35) miles per hour or less. For the purpose of identification of such use in the R-1 or R-2 Zoning District, one (1) non-illuminated sign not exceeding six (6) square feet in area may be permitted on a street of more than thirty-five (35) miles per hour. The location of the sign in the R-1 or R-2 Zoning District may be either flat against the wall of the structure or attached to the mailbox post. A home occupation sign permitted pursuant to this subsection 3.4.C shall identify only the name of the profession and the name of the occupancy of the premises.
- D. No equipment or process shall be used in conjunction with such home occupation, which creates noise, vibration, glare, fumes, light pollution, odors or electrical interference detectable to the normal senses off the lot. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference or cause fluctuations in line voltage off the premises.
- E. There shall be no alteration in the residential character of the premises in connection with such home occupation.
- F. There shall be no external evidence of the home occupation other than a sign as provided within subsection C above nor more than one (1) piece of merchandise or article for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises. Limited retail sales may be permitted on the premises, as a part of or in conjunction with the home occupation and shall not exceed fifty percent (50%) of the gross floor area designated to the home occupation.

- G. No equipment, including construction equipment, parts, scrap, finished product, tools, inventory, or any other articles or materials associated with the home occupation shall be stored outdoors. All work and other activities associated with the home occupation shall take place indoors.
- H. No more than four (4) vehicles, not including construction equipment, related to the home occupation shall be parked on the property at any one time. All vehicles shall be parked in an approved driveway, parking lot, or area not within the required front yards. No on-street parking is permitted. The intent is to ensure that traffic will not be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- I. Home occupations for the medical use of marihuana shall be subject to this Section 3.4I.
  - 1. For purposes of this subsection, the following words and terms shall have the following definitions.
    - a. General rules: the general rules of the Michigan Department of Community Health, issued in connection with the MMMA.
    - b. Marihuana: also known as marijuana, also known as cannabis; shall have the meaning given to it in section 7601 of the Michigan Public Health Code, Public Act 368 of 1978, MCL 333.7106, as referred to in section 3(d) of the MMMA, MCL 333.26423(d). Any other term pertaining to marihuana used in this Ordinance and not otherwise defined shall have the meaning given to it in the MMMA or in the general rules.
    - c. Medical use of marihuana: the acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition, as defined under the MMMA.
    - d. MMMA: the Michigan Medical Marihuana Act; Public Act 2008, Initiated Law, as amended.
  - 2. Medical marihuana. A registered primary caregiver, in compliance with the general rules, the MMMA, and the requirements of this section, shall be allowed as a home occupation as a matter of right, without obtaining a special use permit, because of the general rules and the confidentiality provisions of the MMMA.

Nothing in this section or in this Ordinance is intended to grant, nor shall this section or this Ordinance be construed as granting, immunity from criminal prosecution for growing, selling, consuming, using, distributing, or possessing marihuana not in strict compliance with the MMMA and the general rules.

Since federal law is not affected by the MMMA or the general rules, nothing in this section or in this Ordinance is intended to grant, nor shall this section or this Ordinance be construed as granting, immunity from criminal prosecution under federal law. The MMMA does not protect users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under federal law.

The operations of a primary caregiver are permitted in Jamestown Township only as a home occupation subject to this section. The activities of a primary caregiver or the medical use of marijuana, other than by a qualifying patient for their personal use, does not constitute a commercial, industrial, agricultural or other type of accessory use, and shall not be considered as similar to any listed commercial, agricultural, industrial or other use in the interpretation of this ordinance. Without limiting the generality of the foregoing, facilities at which marijuana is kept for distribution to qualifying patients, other than as permitted herein (sometimes known as "Dispensaries"), locations at which two or more caregivers cultivate marijuana plants (sometimes known as "Common Grow" Facilities) or any other location or facility, except a primary caregiver home occupation, which acquires, possesses, manufactures, delivers, transfers, or transports medical marijuana and sells, supplies or dispenses it to registered qualifying patients, directly or through the patient's registered primary caregivers (sometimes known as a "Provisioning Center") shall be prohibited in the Township, whether or not such facilities are now or hereafter permitted under Michigan or federal law.

In addition to the general provisions for home occupations provided by this Section 3.4, the following requirements for a registered primary caregiver shall apply. Where there is inconsistency between the general requirements and the specific requirements, the more stringent requirements shall apply.

- a. The home occupation shall be conducted only in a detached, one family dwelling.
- b. The medical use of marihuana shall comply at all times and in all circumstances with the MMMA and the general rules, as they may be amended from time to time
- c. A registered primary caregiver must be located outside of a one thousand (1,000) foot radius from any school, including any day care facility, to ensure community compliance with federal "Drug-Free School Zone" requirements.
- d. Not more than one registered primary caregiver shall be permitted to service qualifying patients from a dwelling unit.
- e. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the dwelling unit in which electrical wiring, lighting or watering devices that support the cultivation, growing or harvesting of marihuana are located.
- f. If a room with windows is utilized as a growing location for marihuana, any lighting between the hours of 9:00 PM to 7:00 AM shall employ shielding methods, without alteration to the exterior of the dwelling unit, to prevent ambient light spillage that may create a distraction for adjacent properties.
- g. That portion of the dwelling unit where energy usage and heat exceeds typical residential use, such as a grow room, and the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the fire department to ensure compliance with applicable standards.
- h. Registered primary caregivers shall deliver the allowed amount of marihuana to their qualifying patients, so that the transfers of marihuana from registered primary caregiver to qualifying patients shall not occur at the dwelling unit where the medical marihuana home occupation is conducted.
- i. The lot shall be open for inspection upon request by the building inspector, zoning administrator, fire department and law enforcement officials for

compliance with all applicable laws and rules during the stated hours of operation/use and at such other times as anyone is present on the lot.

- j. No sign shall be permitted for the medical use of marihuana.
  - k. Registered primary caregivers shall annually provide evidence of an active State of Michigan registry identification card or be subject to revocation of the home occupation.
- J. Home occupations for the instruction in a craft or fine art shall be allowed as a matter of right, without obtaining a special use permit, subject to this Section 3.4.

**SECTION 3.5 KEEPING OF ANIMALS.** The keeping, housing, raising, use or medical care of poultry or animals other than traditional domestic pets shall be prohibited in the R-3 Zoning District unless permitted with special land use approval, or in the "C-1" or "C-3" Zoning Districts. Where such activities are pursued in other Zoning Districts, the following provisions shall apply to the keeping of animals, except in connection with commercial agricultural activities subject to the Michigan Right to Farm Act to the extent covered by, and being conducted in compliance with, applicable Generally Accepted Agricultural Management Practices.

- A. Poultry and Fowl. On parcels with a lot area of less than one (1) acre, no more than ten (10) animals shall be allowed. On parcels of one (1) acre or more, there shall be no more than twenty (20) animals for the first acre and forty (40) animals for each additional acre up to a maximum of 180 animals. No building or structure which encloses or provides shelter to said animals shall be located closer than twenty (20) feet to any lot line.
- B. Animals Other Than Poultry or Domestic Pets. In any "AR", "C-2" or "B/I" Zoning District, the minimum Lot area required for animal raising, housing, keeping, or use shall be two (2) acres for one (1) animal and an additional one-half (1/2) acre for each additional animal; provided, however, that commercial Kennels, animal hospitals and riding stables need not provide over ten (10) acres for such use. No building or structure which encloses or provides shelter to said animals shall be located closer than seventy-five (75) feet to any lot line.
- C. Fencing. Where poultry or animals other than traditional domestic pets are kept or allowed outside, a fence of such construction as to keep said animals from leaving the premises at will shall be provided and regularly maintained.
- D. Notwithstanding the above provisions, it is the intent of this Section to prohibit the keeping, selling, boarding, housing, possession and maintenance of wild animals within the Township, either temporarily or permanently except under the conditions enumerated below.
  - 1. The keeping of the animal or animals is carried out by a veterinarian licensed in the State of Michigan, for the treatment of injuries or to temporarily harbor an animal until permanent quarters are found.
  - 2. The keeping of the wild animals is within a commercial/game breeding operation, or public or private wildlife park or preserve, or hunting preserve as may be licensed or authorized by the Michigan Department of Natural Resources and is further authorized by the Township within the (AR) Agricultural Residential District under the provisions of Chapter 18, Section 18.1 through 18.6 of this Ordinance, as applicable.
  - 3. The keeping of the animals is part of a special event such as a circus or carnival as appropriately licensed by the State of Michigan and is further authorized by the

Township under the provisions of Ordinance No. 110A of Jamestown Charter Township, being the "Outdoor Assembly Ordinance".

- E. The temporary keeping of 4-H animals will be allowed by administrative permit provided that the lot where the animal(s) will be held is at least 2 acres in size (with an additional 1/2 acre for each additional animal) and that the applicant submit to the zoning administrator a proof of 4-H registration with a date that the animals will be moved from the property.

**SECTION 3.6 MIXED USE BUILDINGS.** If any part of any Building is used for business, commercial or other nonresidential use, any part thereof used for residential purposes shall comply with all applicable development requirements of the "R-1." Residential District, (see Chapter 7), and any additional requirements deemed necessary by the Zoning Administrator to insure the safety and health of those persons inhabiting the Building or otherwise affected by such mixed occupancy.

**SECTION 3.7 MINIMUM REQUIREMENTS FOR MANUFACTURED HOUSING OUTSIDE OF DESIGNATED MANUFACTURED HOME COMMUNITIES.** All dwelling units located outside of manufactured home parks shall comply with the following requirements:

- A. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one half (7.5) feet; or if a manufactured home, it shall meet the requirements of the United States Department of Housing and Urban Development Regulations, entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
- B. The minimum width of any single family dwelling unit shall be twenty two (22) feet for at least sixty-seven percent (67%) of its length, measured between the exterior part of the walls having the greater length.
- C. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches.
- D. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Zoning Administrator may allow an alternative building plan to be utilized if consistent with the approved construction code of the Township.
- E. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the building code adopted by the Township, or, if a manufactured home, shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards".
- F. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
- G. All dwellings shall be connected to a sewer system and water supply system approved by the Ottawa County Health Department.

- H. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
- I. All additions to dwellings shall meet all of the requirements of this Ordinance.
- J. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwellings. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector on review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Zoning Board of Appeals. Any determination of compatibility shall be based on the standards set forth in this section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within five hundred (500) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- K. Prior to issuance of a building permit for any dwelling unit, construction plans at a scale of no less than one quarter inch (1/4") to one foot (1'), including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a manufactured home, there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in subsection (L) hereof.
- L. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended, and shall be located only in the "AR" Zone. All other dwellings shall meet the requirements of the construction code adopted by the Township.
- M. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Zoning Administrator.

**SECTION 3.8 RECREATIONAL VEHICLE AND MOBILE HOME PARKING AND STORAGE** In all residential districts, boats, boat trailers, recreational vehicles or other form of mobile housing or shelter may be parked or stored in the side or rear yard. For storage longer than seven (7) days, vehicles shall be parked on a hard-surfaced or gravel pad. Front yard parking or storage is permitted for up to seven (7) days. Properties in the AR District are exempt from these regulations.

All such vehicles stored on any property in the Township shall be the personal property of the property owner or current occupant.

**SECTION 3.9 OUTDOOR PONDS AND FARM MANURE LAGOONS.** No person shall erect, install, locate or construct an outdoor pond unless it has first been approved by the Planning Commission as a Special Use.

- A. Application for approval of a Special Use Permit for a pond shall include:

1. The name of the person who is or will be the owner of the pond;
2. The location of the proposed or existing pond;
3. The safety precautions to be taken to protect those using the pond or who might be endangered by it;
4. The size, depth, and water capacity of the pond;
5. The method of filtration and treatment of the water, if required; and
6. Any further information necessary for the protection of public health, safety, and environment as may be required by the Planning Commission.

B. The application must include a plot plan of the land on which the pond is to be located. The plot plan shall include:

1. Lot lines;
2. Location of pond;
3. Location of wall, fence, or enclosure around pond; and
4. Location of gates or doors in the fence, wall, or enclosure.

The application shall also include a description and sketch of the construction of the pond and of the wall, fence, or enclosure.

C. At a minimum, a pond shall comply with all the yard requirements for the zoning district in which it is located, except that any pond used as a farm manure lagoon shall not be located less than three hundred (300) feet from adjacent lot lines or road right-of-way lines. The Planning Commission may increase the minimum setbacks for ponds when in its discretion such is determined to be necessary to minimize potential public health and safety concerns or nuisance conflicts with adjoining properties. A pond may be located in any zoning district and may be considered as a principal or an accessory use.

As part of its authorization of a pond, the Planning Commission may approve the location of a pond in a front yard.

D. If the Planning Commission determines in the course of its approval of a pond that the protection of the general public requires that the pond be enclosed, the Planning Commission shall require that the pond be enclosed by a wall, fence, or other type of enclosure.

The wall, fence, or other enclosure shall:

1. Be not less than four (4) feet above the grade line;
2. Be designed so that a child cannot pass through, or under, or climb over the fence, wall, or other enclosure except at a gate or door.

E. All gates or doors leading to a pond, except a door in any building forming part of the enclosure, shall be kept closed when the pond is not in actual use or when the proprietor is absent or away. The gates and doors shall be fitted with a positive latching device which automatically latches when the gate or door is closed.

F. The pond or lagoon shall be constructed according to the specifications and under the direction of the Ottawa County Soil and Water Conservation District and the following:

1. The discharge pipe from any pond without a direct outlet to an established drain shall:

- a. Not exceed two (2) inches in diameter; and
  - b. Be constructed with galvanized iron or such other standard durable material as may be approved by the Zoning Administrator.
2. No pond shall be wholly or partially emptied in any manner that will cause water to flow on the land of another, and no pond shall be wholly or partially emptied on any land if a storm drain is readily accessible to the premises on which the pond is located. Discharge into the public sanitary sewer is prohibited.
  3. No public water shall be used in connection with the filling or operation of a pond when limitations on the consumption and use of public water are in effect.
  4. The slopes of the banks or sides of the pond shall be constructed so that for each one (1) foot of rise there shall be a minimum of three (3) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of five (5) feet.

If after consultation with the Ottawa County Soil and Water Conservation District the Planning Commission determines that adherence to one or more of the above construction standards is unnecessary or contrary to the public interest, the Planning Commission may waive or modify such standard. In addition, the Planning Commission may waive or modify one or more of the above standards if the pond is for use as part of a bonafide aquaculture operation carried out in the AR District or the pond is a detention/retention facility required for stormwater management purposes.

- G. No pond shall exceed 5,000 cubic yards of volume and shall not be constructed, installed, or maintained which either causes or contributes to the erosion of any adjacent, abutting or nearby lands.
- H. In the case of farm manure lagoons, no special use permit shall be issued unless the applicant demonstrates compliance with the permitting requirements of the Michigan Department of Natural Resources for discharge into surface and/or groundwaters.
- I. All outdoor ponds or farm manure lagoons shall be constructed to completion within six (6) months of the date of the special use permit.

### **SECTION 3.10 OUTDOOR STORAGE OR DISPOSAL OF MATERIALS, WASTES AND REFUSE.**

- A. Public or private Dumps are prohibited.
- B. The storage, collection or placing of discarded materials or waste, inoperable equipment, inoperable Vehicles, or other forms of refuse is prohibited in any required Yard in all Zoning Districts, nor shall any said storage, collection or placement constitute a Dump or a Junkyard. For the purposes of this section only "inoperable Vehicle" shall mean any Vehicle which is currently not capable of being started and safely and properly operated on a Street, and which does not bear a valid and current license plate.
- C. Any permitted outside storage of materials or refuse shall be totally screened from public view on adjacent properties and shall be stored in such a manner as to not constitute a fire hazard or contribute to unsanitary conditions.



- D. No person shall dump, spread or apply municipal sludges or other municipal wastewater effluent or any other waste product on any Lot or parcel of land unless first obtaining a permit therefore from the Zoning Administrator. Before granting said permit the Zoning Administrator shall determine that all necessary waste disposal and/or discharge permits have been obtained and that any sludge application will be in compliance with a state approved Sludge Management Plan.

The application of waste agriculture produce to the land shall only be permitted when the horizontal distance from the applied waste is five hundred (500) feet or more from homes, commercial buildings, surface water, roads or property lines, and the slope of the land on which the application occurs is no greater than six (6) percent. The application of the waste agriculture produce shall be done at a uniform rate and the waste shall be mixed with or tilled into the soil within 48 hours of the application unless the soil is frozen or the Zoning Administrator otherwise waives this provision on the basis of inclement weather conditions. If the soil is frozen, the Zoning Administrator shall not grant a permit unless the land consists of slopes not exceeding two (2) percent or the land is internally drained to prevent runoff from the site.

The normal and customary practice of spreading or applying commercial or organic fertilizers or soil conditioners shall not be deemed prohibited by the provisions of this section.

**SECTION 3.11 RAZING OF BUILDINGS.** No Building or Structure, excluding Farm Structures, shall be razed unless a permit has first been obtained from the Zoning Administrator who shall be authorized to require cash or an irrevocable letter of credit, in any amount not to exceed one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet, or fraction thereof, of Floor Area of the Building or Structure to be razed. The cash or irrevocable letter of credit shall be conditioned on the applicant's completing the razing within such reasonable time period as may be prescribed in the permit and compliance with such safety and health regulations as the Zoning Administrator may from time to time prescribe, including filling of excavations and proper termination of utility connections.

**SECTION 3.12 SWIMMING POOLS.** Any person installing, erecting, locating or maintaining a commercially manufactured swimming pool on any lot or parcel of land which contains water to a depth of twenty-four (24) inches or more at any point, shall erect and maintain thereon a fence or wall surrounding the swimming pool which has been approved by the Zoning Administrator. The fence or wall shall be sufficient to make the swimming pool inaccessible to small children and shall be no less than four (4) feet in height. Hot tubs shall not be subject to the requirements of this section.

Construction of the fence or wall shall be in such a manner that no person may enter the Yard or area where the pool is located without passing through a self-latching gate or door. Latches on gates or doors shall be no less than four (4) feet in height or otherwise made inaccessible from the outside to small children. Notwithstanding the foregoing, if the entire Lot or parcel of land on which the swimming pool is located is enclosed, then the foregoing requirements for the maintenance of a fence or wall may be waived by the Zoning Administrator if a determination is made that all of the requirements for the pool fence or wall specified above are complied with in connection with the enclosure of the Lot or parcel of land. In the case of a pool, the top of which is four (4) feet or more above grade, which does not have a deck with readily climbable supports, and is, itself, constructed in such a manner that is not readily climbable, the Zoning Administrator may, in their discretion, waive requirements for a pool fence or wall if the access to the pool and the gate and door arrangements are as provided herein. In the case of a pool, the top of which is four (4) or more feet above grade, and has a deck with readily climbable supports, such pool shall either be fenced as provided herein or appropriate means shall be taken to render the support to the deck and/or pool structure not readily climbable.

Swimming pool locations on any Lot or parcel of land shall be governed by the same Yard and setback requirements as are stipulated for Accessory Buildings in the Zoning District in which the swimming pool is located.

**SECTION 3.13 TEMPORARY USES.** A Temporary Use Permit may be issued by the Zoning Administrator for the following uses after determining that such uses will not cause any safety hazards, health hazards or other detrimental affects on the adjacent conforming uses during and after the time period in which the use will be permitted. The Zoning Administrator may renew the Temporary Use Permit after the original time period has elapsed, provided that ample justification for such renewal has been shown and provided further that the time period stipulated in such permit renewal shall not exceed fifty percent (50%) of the original time period. The Zoning Administrator may attach any conditions and limitations deemed necessary to meet the intent of this Ordinance.

- A. Temporary Dwellings. An individual Mobile Home or other mobile housing facility or temporary Structure excluding tents of any kind, may be used as a temporary dwelling for an initial period not to exceed one (1) year. *(Reference Sec. 3.26)*
- B. Temporary Signs. A Temporary Sign may be permitted as a temporary use for an initial period not to exceed thirty (30) days, provided they are kept in good repair and conform to all safety and nuisance provisions of this Ordinance.
- C. Non-recurrent Uses. The Zoning Administrator may issue a Temporary Use Permit for seasonal or unusual non-recurrent temporary uses for an initial period not to exceed (60) days.
- D. Temporary Portable Storage Units (ie., PODS). Portable storage units may be permitted by the Zoning Administrator for a period not-to-exceed seven (7) days from time of delivery to time of removal. An extension of 24 hours may be granted at the discretion of the Zoning Administrator. The unit shall comply with all setback requirements of a permanent accessory building with the exception that it may be placed in the front yard.

**SECTION 3.14 TRAFFIC VISIBILITY HAZARDS.**

- A. On any Corner Lot, no fence, hedge, planting of vegetation, Vehicle or Structure over thirty (30) inches above the closest Street centerline grade level, (except trees with all branches not less than six (6) feet above the closest Street centerline grade level), shall be erected, maintained, parked or stored within a triangle shaped area bounded on two (2) sides by the Street right-of-way lines, and on the third side by a line drawn connecting the first two (2) sides not less than twenty (20) feet from the intersection of the Street right-of-way lines.
- B. No vegetation, Structure or outdoor lighting shall be planted, arranged, designed, erected or maintained which is deemed to be a traffic hazard by the County or State Traffic Engineers or by the Township Board. If such a determination has been made, notice thereof shall be given to the Zoning Administrator who shall notify the owner to remove or rearrange said planting, Structure or lighting in the interest of public safety. In determining whether or not a traffic hazard is being caused, the Township Board shall consider, but are not limited to, the following: (1) the height, area, plant density, light intensity, light dispersion or other potentially obstructive or distractive characteristics of the planting, Structure or lighting; (2) the location of plants, structural elements or lights in relation to Streets, driveways, parking areas, sidewalks

and other vehicular or pedestrian access ways; and (3) the location of plants, Structures or lights in relation to nearby Buildings and Structures.

**SECTION 3.15 TRANSITION ZONING.** In cases where a parcel of land in any "R" Residential District adjoins a "C" Commercial District or an B/I Business and Industrial District, the first Lot or Lots in single ownership or the first one hundred fifty (150) feet thereof, whichever is the lesser may be used for the following transitional uses; provided, however that such uses shall comply with the conditions and limitations contained herein.

- A. Permitted Transitional Uses.
  - 1. Low volume retail sales businesses where no assembling, treatment, manufacturing, or warehousing is required.
  - 2. Small business offices and professional offices and clinics.
  - 3. Funeral homes.
  - 4. Barber and beauty shops.
  - 5. Cleaning and laundry service customer stations.
  - 6. Shoe repair shops.
  - 7. Off-street parking.
  - 8. Any use permitted by right or as a special use in a less restrictive "R" Residential District. (higher number designation), except Mobile Home Developments and Multiple Family Dwellings of greater than four (4) Dwelling Units.
  
- B. Conditions for Transitional Uses.
  - 1. There shall be only one (1) principal Structure located or erected completely on the aforementioned first one hundred fifty (150) feet and shall conform to the residential characteristics of the vicinity.
  - 2. Yard requirements within the Residential District in which the transitional use is located shall be met and maintained.
  - 3. Sign requirements of the "R" Residential Districts shall be complied with.
  - 4. Commercial transitional uses shall be limited to those requiring no more than ten (10) parking spaces under the provisions of this Ordinance, except if off-street parking is the only transitional use to be located on the premises.
  - 5. A Greenbelt shall be provided as required in a "C" Commercial District.
  - 6. Site Plan approval in accordance with Chapter 17 shall be required.

**SECTION 3.16 UNCLASSIFIED USES.** Where a business or land use is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of such a use which, although basically permitted, involves operations or other features which were not contemplated or specified by this Ordinance, the Zoning Administrator may request the Board of Appeals to make such a determination.

**SECTION 3.17 SALESPEOPLE AND SOLICITORS.** All house-to-house salespeople or solicitors who are not residents of the Township or persons associated with non-profit organizations, shall register at the Township office prior to making any solicitations or sales in the Township. All other non-resident salespeople and solicitors are required to furnish the following information to the Township:

- A. Name and permanent address
- B. Temporary address
- C. Name and address of firm they represent
- D. Make, license number and registration of automobile(s) to be used while in the Township.
- E. Type of merchandise or publication to be distributed.

There shall be no administrative fee associated with the registration but registration is a requirement. Failure to register shall be considered a violation of this Ordinance and punishable as such.

**SECTION 3.18 REQUIRED RIGHT-OF-WAY.** No building permit shall be issued, and no buildings shall be erected unless the lot or parcel on which it is to be situated abuts:

- (1) A public street which has been accepted, opened and maintained by the Ottawa County Road Commission or the Michigan Department of Transportation;
- (2) A private road approved or lawfully existing pursuant to the provisions of this Ordinance.

**SECTION 3.19 NON-GRANDFATHERED AND NON-CONFORMING USES.** 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 3.20 ARTERIAL SETBACK REQUIREMENTS.**

- A. Minimum lot area shall be met exclusive of public and private street rights-of-way and all setbacks shall be measured from a line parallel to and fifty (50) feet from the centerline of an arterial road. All other streets, public or private, that are non-arterial roads shall be measured from the right-of-way line. The above reference line and measurements from the road centerlines shall not apply to lots or parcels having frontage on Chicago Drive or to property on any public or private street or road segment where the right of way has been established by platting under the provisions of the State Land Division Act as amended or by acceptance of the road right-of-way by the Ottawa County Road Commission or the Charter Township of Jamestown as a consequence of the creation of a condominium project under the State Condominium Act, (P.A.59 of 1978). Along such roads or road segments, yards and building setbacks shall be measured from the right-of-way line.

For the purposes of this Ordinance, the following roads are classified as arterial roads:

<u>Street Segment</u>	<u>From</u>	<u>To</u>
Adams St	Kenowa Ave.	48 <sup>th</sup> Ave.
Byron Rd.	Kenowa Ave.	48 <sup>th</sup> Ave.
Riley St.	Kenowa Ave.	48 <sup>th</sup> Ave.
Ransom St.	Kenowa Ave.	8 <sup>th</sup> Ave.
Quincy St.	8 <sup>th</sup> Ave	32 <sup>nd</sup> Ave.
8 <sup>th</sup> Ave.	Jackson St.	Byron Rd.
22 <sup>nd</sup> Av.	Jackson Ave.	Quincy St.
24 <sup>th</sup> Ave.	Quincy St.	Ottogan St.
32 <sup>nd</sup> Ave.	Hudsonville City Limit	Adams Rd
48 <sup>th</sup> Ave.	Ottogan	New Holland Dr.

- B. Where a Lot is bounded by two (2) Streets, the Front Yard requirements will be met for each Street.

**SECTION 3.21 SEWER AND WATER.** Where a Building is to be occupied by human beings on any Lot or parcel of land which is not provided with public water and sanitary sewer facilities, no Building Permit shall be issued until the Zoning Administrator has been presented with a sewage disposal and well permit from the County Health Department. A plan showing the location of all sewer facilities, Buildings and the proposed well site shall be included with said permit.

In cases where the County has waived the requirements for a soil percolation test, the Zoning Administrator shall conduct a personal investigation of the property and locations involved. If the Zoning Administrator finds that the area to be used for on-site sewage disposal has features which differ from those of the area where the County has waived soil tests and there is some question in the mind of the Zoning Administrator as to the

suitability of the soil for an on-site sewage disposal system, then the Zoning Administrator may thereafter require that a soil percolation test be made using accepted techniques for such tests and submitted to the County Health Department for approval before the issuance of a Building Permit.

It shall be the duty of the Zoning Administrator to order all work stopped and to notify the County Health Officer in any instance coming to his/her attention, where an on-site sewage disposal system is being constructed, altered or extended without a sewage disposal permit issued by the County Health Department.

Any use of septic tanks, drain-fields or similar sewage disposal systems is prohibited where the seasonally high water table is closer than two (2) feet to the average grade level of the area. This requirement shall apply to all land parcels of any size, County limitation notwithstanding.

**SECTION 3.22 DWELLINGS ON THE REAR OF LOTS.** In any "R" Residential District, no Dwelling shall be constructed, in front of, or moved in front of, a Dwelling situated on the same Lot.

**SECTION 3.23 BUILDING HEIGHT.** Except for parapet walls over four (4) feet in height, chimneys, silos and farm barns, private roof mounted television and radio antennas, cupolas, spires or other ornamental projections or water towers, no Building or Structure shall exceed a height fifty (50) feet. In the "AR" Zoning Districts, ground-mounted communication towers and wind-powered electrical generators exceeding thirty-five (35) feet in height may be permitted as Special Uses, subject to the provisions of Section 18.5.

**SECTION 3.24 BICYCLE PATHS (ALSO NON-MOTORIZED PATHWAYS) .**

- A. It is hereby determined that Bicycle Paths promote and provide for the public health, safety, and general welfare by achieving the following public purposes:
  - 1. Bicycle Paths provide a safer location for travel along streets and roads for bicyclists and pedestrians, including school children, than the edge of the traveled street or road.
  - 2. Bicycle Paths encourage and promote aerobic exercise by bicyclists and others utilizing the Bicycle Paths.
  - 3. Bicycle Paths conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.
  - 4. Bicycle Paths reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the Street.
  
- B. In furtherance of the objectives set forth in 3.24.A., above the Township shall require an applicant subject to or seeking site plan review under the provisions of Chapter 17 (including, but not limited to site plan review for a site condominium in accordance with Chapter 27 or a private road in accordance with Section 3.29), to: (1) grant the necessary easements for the construction of Bicycle Paths; and (2) either (a) construct Bicycle Paths as further provided in subsection 3.24.B.1 below; or (b) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for Bicycle Paths. The Township, working with the applicant, and in consultation with the Township Engineer, shall determine the location of the necessary easements for Bicycle Paths so as to provide, develop and maintain a Township Bicycle Path system to connect neighborhoods, schools, business districts, parks, and other facilities and to accomplish the public health, safety and welfare concerns set forth in Section 3.24.A.

1. If a Bicycle Path is to be constructed by the applicant, such path shall be developed either (a) along the entire frontage of a development that abuts an existing Street, which is subject to site plan approval, or (b) internal to the applicant's proposed development to connect existing Bicycle Paths if a development's frontage either contains an existing Bicycle Path or is located across from an existing Bicycle Path for the entirety of the development frontage or both. If the Township permits a Bicycle Path internal to the development such internal path shall not include required street sidewalks pursuant to the Jamestown Charter Township Subdivision Ordinance or internal sidewalks for the purpose of pedestrian safety when located within and/or adjacent to parking lots for commercial and industrial uses. In making a determination and recommendation with respect to an internal Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:
  - a. The connectivity provided by the Bicycle Path to the existing Township trail system.
  - b. The length of the Bicycle Path relative to the development frontage.
  - c. The benefit and proximity of the Bicycle Path related to other required internal pathways, such as sidewalks or walking trails.
  
2. Uses subject to site plan review in accordance with Chapter 17, when located within the AR, R-1 or R-2 Zoning District, not including residential developments, shall be exempt from the requirements of this Section when the following circumstances exist:
  - a. There is an existing Bicycle Path located across from the applicant's proposed development and such existing Bicycle Path extends for the entirety of the frontage of the applicant's proposed development; or
  - b. The property containing the use is located more than one (1) mile from any existing residential development that was established pursuant to (i) Chapter 19, Chapter 27 or Chapter 28 of this Ordinance, or (ii) the Jamestown Charter Township Subdivision Ordinance and contains at least 30 or more residential lots or a net density of at least 1.5 units per acre.
  
- C. In order to achieve the public purposes described in subsection 3.24.A above, Planning Commission shall determine whether the applicant must provide an easement for future Bike Path construction. The Planning Commission shall also determine whether the applicant shall (1) construct Bicycle Paths at the same time as the site plan approval, (2) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for the construction of the required Bicycle Paths, or (3) construct an internal Bicycle Path. The Township Engineer shall review and provide a recommendation as to the preferred location and the estimated cost of the proposed Bicycle Path, and the amount of the contribution to be required of the applicant if the Planning Commission determines a contribution should be made in lieu of construction of or an easement for the Bicycle Path.

In making a determination and recommendation with respect to the Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:

1. Vehicle traffic likely to be generated by the development which requires site plan approval.
2. Bicycle, pedestrian, and other non-vehicle traffic likely to be generated by the development requiring site plan approval.
3. The importance of the required Bicycle Path to provide a safe means for bicyclists and pedestrians, including children, to access schools, churches, parks, libraries, and other amenities intended for their use.
4. The proximity of the development requiring site plan approval to attractions such as parks, churches, public buildings, and shopping opportunities.

The Planning Commission shall include in its decision the necessity for any Bicycle Path for the proposed development, the recommended location of the Bicycle Path to be provided, and whether the applicant shall: (1) provide necessary easements for the Bicycle Path; and either, (2) construct the Bicycle Path (3) make a financial contribution to the Township for the Township's construction of the Bicycle Path or (4) construct an internal Bicycle Path. The Planning Commission's decision pertaining to the Bicycle Path shall also state the rationale for its determinations.

This determination shall be effective to make the Bicycle Path construction, and any required easements, a condition of site plan approval and subject to the Planning Commission having the discretion to require a performance guarantee as is provided in Section 19.12.

- D. A Bicycle Path to be constructed by the applicant for site plan approval shall be designed and constructed in accordance with the following requirements:
1. The Bicycle Path shall be at least eight (8) feet in width.
  2. The Bicycle Path shall be constructed in accordance with the Bicycle Path construction standards and requirements contained in the Jamestown Charter Township Sidewalks and Bicycle Paths Ordinance.
  3. The plans and specifications for the Bicycle Path shall be approved in advance of construction in writing by the Township.
- E. All Bicycle Path easements shall be a minimum of fifteen (15) feet wide, or as required by the Township Engineer.

**SECTION 3.25. MULTIPLE PRINCIPAL USE RESTRICTION.**

No more than one (1) main or principal Building, with Accessory Building and Structures shall be located, erected or installed on any Lot or parcel of land unless such Lot or parcel of land is owned by one (1) person and used for Agricultural, multiple family, commercial or industrial purposes or has been authorized as a Planned Development project. In determining Lot, land, Yard, parking area or other open space requirements, no area shall be ascribed to more than one (1) main Building or use, and no area necessary for compliance with the space requirements for one main Building or use shall be included in the calculation of the space requirements for any other Building, Structure, or use.

**SECTION 3.26 TEMPORARY AND ACCESSORY MOBILE HOME DWELLINGS.** Notwithstanding the requirements of Section 3.7 and/or 3.7(B), mobile homes may be used for dwelling purposes as follows:



- A. Mobile Home Developments. In a licensed Mobile Home Development which has been approved in accordance with Chapter 18 of this Ordinance.
  
- B. Temporary Residence. Mobile homes may be authorized as a temporary dwelling in accordance with Section 3.13(A) of this Ordinance; provided however, that no such authorization shall be made unless a building permit for a permitted principal building to be located on the same Lot has first been secured and a performance guarantee has been deposited with the Township Treasurer in the amount of one thousand (\$1,000.00) dollars. The performance guarantee may be either a cash deposit or an irrevocable bank letter of credit.
  - 1. There shall be a minimum floor area of six hundred (600) square feet plus an additional one hundred twenty (120) square feet of floor area for each bedroom in excess of one.
  - 2. The Mobile Home shall not be erected, installed or located on the premises unless sewer and water facilities have first been secured pursuant to Section 3.21 of this Ordinance.
  - 3. The Mobile Home shall be installed, anchored and skirted in accordance with R.125.1602-08 of the Michigan Administrative Code, being Rules 602 through 608 of General Rules of the Michigan Mobile Home Commission.
  - 4. The location of the mobile home on the lot or parcel of land shall be governed by the same setback and yard requirements as are stipulated by this Ordinance for Accessory Buildings in the "AR" District.
  
- C. Farm Accessory Residences: Mobile homes for use as farm accessory dwellings may be permitted in the "AR" Agricultural-Rural Residential District when authorized by the Planning Commission as a Special Use, provided that:
  - 1. The dwelling shall be clearly incidental and subordinate to a permitted and conforming principal farm dwelling which is part of an active farming operation and located on a lot of ten (10) acres or more.
  - 2. The Mobile Home shall be used for dwelling purposes only by those persons substantially engaged in the operation of a farm either as a member of the family occupying the principal farm dwelling, or as a full-time employee thereof.
  - 3. There shall be a minimum floor area of six hundred (600) square feet plus an additional one hundred twenty (120) square feet of floor area for each bedroom in excess of one.
  - 4. The mobile home shall not be erected, installed or located on the farm premises unless sewer and water facilities have first been secured pursuant to Section 3.21 of this Ordinance.
  - 5. The mobile home shall be installed, anchored and skirted in accordance with R.125.1602-08 of the Michigan Administrative Code, being Rules 602 through 608 of the General Rules of the Michigan Mobile Home Commission.

6. The location of the mobile home on the lot or parcel of land shall be governed by the same setback and yard requirements as are prescribed by the Ordinance for accessory buildings in the "AR" District.

D. Elder Cottage Accessory Dwelling. A mobile home may be permitted in the "AR" Agricultural-Rural Residential District when authorized as a special use by the Planning Commission.

1. If the mobile home is for the purpose of housing ill or aged immediate family members of the occupants of the permanent dwelling. Family is defined as an individual related by blood, marriage. In considering the authorization, the Planning Commission shall consider the following standards;
2. The location of the mobile home is on the same lot with the permanent dwelling;
3. The occupant(s) of the mobile home are incapable of caring for themselves and need the assistance of such immediate family;
4. There is sufficient land area for such mobile home; and
5. All yard and setback requirements of the district are met.

On favorable findings of the above standards, the Planning Commission may authorize a zoning permit for a period of one (1) year, provided the following conditions are met and a fee is paid as determined by the Township Board.

6. The mobile home is connected to an approved water well and septic tank system as determined by the Ottawa County Health Department;
7. The mobile home has a minimum of six hundred and twenty (620) square feet of floor area as initially sited;
8. The mobile home will be skirted with a uniform material compatible with the mobile home with ten (10) days of utility connection;
9. The mobile home shall be installed with the standards established in the United States Department of Housing and Urban Development regulations entitled "Mobile Home Construction & Safety Standards" effective June 15, 1976, as amended;
10. The mobile home shall be located a minimum of fifty (50) feet and a maximum of one hundred fifty (150) feet from the permanent dwelling.

The Zoning Administrator may renew the one (1) year zoning permit, provided the above standards and conditions still exist as determined by the administrator. A written report will be provided to the Planning Commission prior to the one (1) year renewal. If any of the above standards or conditions are found not to exist, the mobile home shall be removed within ninety (90) days after notice by certified mail to the Owner of the permanent dwelling on the site.

**SECTION 3.27 TIMELY COMPLETION OF BUILDING CONSTRUCTION** When a building permit has been issued for construction of a structure, the exterior features shall be fully completed within the time limits set forth as follows:

- A. For a residential structure, the exterior features shall be completed within twelve (12) months of the issuance of the building permit.
- B. For a commercial, industrial or other structure, the exterior features shall be completed within eighteen (18) months of the issuance of the building permit.

Exterior features shall include all elements of the exterior of the structure and property, including but not limited to, siding or exterior finishes, exterior doors, windows, garage doors, roof coverings, painting or staining of the exterior of the structure, garage floors, driveways and approaches, parking lots or parking areas, appurtenant or auxiliary structures, lighting and any other element needed to complete the exterior of the structure.

**SECTION 3.28 DRIVEWAYS.** All vehicle access points leading from a public street right-of-way to private or public property shall be considered a driveway and shall be subject to the following:

- A. Permits required.
  - 1. The spacing, geometric design and minimum surface requirements for all driveway entrances within the public right-of-way are subject to the Rules Governing the Granting of Permits for Driveways, Banners and Parades as adopted by the Ottawa County Road Commission (January 11, 1979, revised July 23, 1992 or later).
  - 2. Prior to its construction, any driveway providing access to a structure designed for human occupancy must, in addition to meeting the requirements of the Ottawa County Road Commission, be reviewed and a permit for its construction must be issued by the Jamestown Charter Township Fire Chief. Driveway construction shall be inspected by the Fire Chief's designee. Prior to Fire Chief authorization of an occupancy permit for a structure served by the driveway, construction in accordance with the permit and the standards contained herein shall be required. Applications for review and approval of driveway plans and inspection shall include the payment of a fee to be remitted to the Township Treasurer. The fee shall be as established by resolution of the Township Board.
- B. Width: The minimum cross section width of any driveway in excess of 300 feet shall be twelve (12) feet, consisting of at least 9 feet of travel surface and 1 1/2 feet of shoulder on each side of the travel surface.
- C. Turnouts: Lengthy driveways with an average cross-section width, including shoulders, of less than twenty (20) feet shall include tapered turnouts for two-way vehicle passing. The turnouts shall be provided at strategic locations at a ratio of one for each three hundred (300) feet increment of driveway length. The turnouts shall provide a combined through and by-pass lane width of at least twenty (20) feet for a length of at least thirty (30) feet.
- D. Turn-Around: Each driveway where the travel distance from the improved public road to the structure is greater than 300 feet shall provide for the turning around of vehicles, either by the use of a circular, T or Y shaped turn around with adequate load support and clear area. The minimum outside radius of a circular turnaround shall be 30 feet and the minimum dimensions for a Y or T shaped turnaround shall be 20 feet by 60 feet.

- E. Drainage And Load Support: All driveways shall be constructed and maintained so as to provide good drainage and load support and to allow safe and efficient emergency vehicle access to structures. If a driveway crosses a natural drainage course, stream or other natural body of water, by bridge, culvert or other structure, the Fire Chief or his or her assigns shall determine the adequacy of the crossing. The Fire Chief shall also have the authority to require that a registered professional engineer certify that a crossing provides for adequate drainage and is able to carry the loads imposed by emergency equipment operated by the Township and those entities providing mutual aid.
- F. Joint driveways serving more than two adjoining lots, parcels or building sites under separate ownership are prohibited.
- G. Joint driveways serving two adjoining lots, parcels or building sites are permitted provided that the driveway is positioned entirely within a driveway easement. The driveway easement shall be at least 25 feet in width. Unless physically limited by a wetland, water course, water body, excessive slope or topography which limits site distance at the public street, all joint driveways shall be located within 40 feet of the property line common to the properties in question. The full length of driveway surface shall be a minimum of fifteen feet in width, including shoulders, and if the travel distance to one or more occupied structures is 300 feet or greater, the standards of above subsections shall also apply.
- H. Unless specified elsewhere in this Ordinance, the minimum surface material requirements for driveways in excess of 300 feet in length and all joint driveways serving structures intended for human occupancy are as follows:
- Crushed concrete, limestone, cinders or equivalent material- compacted, 6 inches thick
  - Gravel - M.D.O.T. 22-A, compacted 6 inches thick
  - Asphalt - M.D.O.T. spec. 4.00, 2 inches thick
  - Concrete - M.D.O.T. spec. 6.09, 5 inches thick
- I. The above standards shall apply to the construction of all driveways serving structures intended for human occupancy erected after the effective date of this Ordinance. A new permit will also be required for existing driveways when one or more of the following conditions exist:
1. There is a change in the use of the driveway such as from residential to commercial, or from single use residential access to a joint driveway.
  2. The structure was in existence prior to the effective date of this Ordinance but the driveway is new and intended to replace an existing driveway.
  3. The travel distance from the public street to the structure is greater than 300 feet and the building permit issued is for the reconstruction or repair of an occupied structure destroyed or damaged by fire or other calamity. If the monetary value of the repairs is less than of 50% of the of the monetary value of the structure prior to the calamity and the Fire Chief finds that the existing driveway conditions did not or would not materially hamper emergency operations, permit requirements may be waived by the Fire Chief.
- J. The design and construction of driveways serving commercial, industrial and multi-family uses or other use requiring four (4) or more parking spaces are subject to the standards contained in Chapter 21 and any conditions imposed by the Planning Commission under the Site Plan

Review provisions (Chapter 17) contained in this Zoning Ordinance. The Fire Chief shall incorporate such standards and any conditions imposed by the Planning Commission when authorizing a permit for driveway construction in accordance with subsection A. 2 above.

### **SECTION 3.29 PRIVATE ROADS.**

Private roads shall be permitted in Jamestown Charter Township and are subject to site plan review by the Planning Commission in accordance with the provisions of Chapter 17 provided that the private roads meet the following additional requirements:

- A. Minimum Standards for Private Roads. Any private road that is proposed to be established, extended, or relocated shall comply with this Section.
  - 1. A private road shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width. At any dead-end of such easement, the easement shall widen such that there is a minimum radius of sixty (60) feet.
  - 2. A lot shall have frontage on the private road easement which is at least equal to the minimum lot width required for the zoning district in which the lot is located. Lots fronting on a cul-de-sac may be reduced to forty (40) feet at the front lot line, as long as the lot meets the minimum width requirement at the minimum front yard setback line.
  - 3. The private road shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private road meeting Ottawa County Road Commission standards as to design, location, and maintenance shall be erected and maintained where such private road intersects any public road.
  - 4. A residential private road shall be constructed to the following standards:
    - a. Serving up to four (4) lots. The minimum surface shall contain twelve (12) inches of MDOT Class II sand subbase, six (6) inches of MDOT Class 22A gravel base and at least three (3) inches of asphalt placed in two (2) lifts. The asphalt mix(es) shall be approved by the Township Engineer. The minimum paved road width shall be at least twenty (20) feet and shall contain valley gutter shoulders or curb and gutter where needed for proper storm water drainage. The sand subbase and gravel base shall extend twelve (12) inches beyond the pavement edge.
    - b. Serving more than four (4) lots but less than twenty (20) lots. The minimum surface shall contain twelve (12) inches of MDOT Class II sand subbase, six (6) inches of MDOT Class 22A gravel base and at least three (3) inches of asphalt placed in two (2) lifts. The asphalt mix(es) shall be approved by the Township Engineer. The minimum paved road width shall be at least twenty-four (24) feet and shall contain valley gutter shoulders or curb and gutter where needed for proper storm water drainage. The sand subbase and gravel base shall extend twelve (12) inches beyond the pavement edge.
    - c. Serving twenty (20) or more lots. The minimum surface shall contain (12) inches of MDOT Class II sand subbase, six (6) inches of MDOT Class 22A gravel

base and at least three (3) inches of asphalt placed in two (2) lifts. The asphalt mix(es) shall be approved by the Township Engineer. The minimum paved road width shall be at least twenty (20) feet and shall contain concrete curb and gutter shoulders. The private road shall include street trees and street lighting pursuant to the requirements of the Jamestown Charter Township Subdivision Ordinance.

- d. A residential private road which terminates at a dead end shall have a forty-two (42) foot radius paved cul-de-sac constructed in accordance with the private road design and construction requirements of this section.
5. A commercial or industrial private road shall be designed and constructed in accordance with the current Ottawa County Road Commission Standards.
6. Where existing soils do not allow for natural drainage, sand subbase must be extended to adjacent ditch or six (6) inch perforated geotextile wrapped underdrain must be installed and discharge to a suitable location.
7. A private road shall not exceed a grade of seven (7) percent, provided however, that the Township may allow up to a ten (10) percent grade of the applicant submits written justification thereof, satisfactory to the Township engineer (4 lots and fewer) or Planning Commission (greater than 4 lots) to the effect that an increase in the road grade will not adversely affect public safety and the overall design of the road system; but provided further that within thirty (30) feet of the intersection of a private road with any other private road or with any public right-of-way, a private road shall not exceed a grade of one and one-half (1.5) percent.
8. The private road surface shall have a minimum two percent (2%) crown or cross slope.
9. The side slopes shall not exceed one (1) foot vertical to each three (3) feet horizontal (1:3).
10. A private road shall be designed and constructed to sufficiently address storm water runoff using catch basins, storm sewers, culverts and other best management practices, as required by the Township engineer. If a private road crosses a natural drainage course, stream or other natural body of water, the method of crossing (by bridge, culvert or other structure) must be certified by a registered professional engineer so that it complies with applicable Ottawa County Water Resources Commission and State of Michigan requirements.
11. A private road or interconnected private road system shall not serve more than seventy-five (75) lots, living units, or combination thereof, unless two (2) different non-intersecting routes of ingress and egress are provided for the entire property served.
12. A dwelling unit which derives its primary access from a private road shall display a house number in a manner so that the number is at all times readily visible from the private road. The house numbers shall be a minimum of three (3) inches in height.
13. In determining the location of a private road, consideration shall be given to safety of traffic entering and exiting the private street in relationship with the public road.

14. A private road shall have a stop sign which requires all traffic to stop before exiting the private road and entering the public street upon which the private road fronts.
15. All brush and trees shall be cleared for a distance equal to at least four (4) feet from each side of the paved road for the entire length of the private road. Overhead limbs must be maintained to no less than fourteen (14) feet above ground within the width described above.
16. To verify compliance with Township construction standards the applicant's registered engineer shall inspect the private road. Inspection shall include measuring the depth and width of the subgrade bottom, sand grade, and gravel grade every fifty (50) feet, as well as witnessing the pavement installation. Materials testing of sand, gravel, and asphalt shall be obtained per Ottawa County Standards. Inspector's daily reports, materials testing reports, and a signed certification from the professional engineer attesting that construction was inspected and found compliant with all design and construction standards and/or approvals must be provided to the Township.
17. 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.
18. Standard sidewalks shall be required on either side of the private road when twenty (20) or more lots are proposed. To the extent they are required, maintenance of sidewalks shall be ensured through implementation of a system of deed restrictions providing for participation in maintenance costs by all owners of the development. The location of sidewalks shall be approved during site plan review. In addition to internal sidewalks, a sidewalk may be required parallel to the public street or public streets to which the private

road has direct access for the entire width of the property. For private roads with less than twenty (20) lots, the Planning Commission has the discretion to require sidewalks based upon a consideration of the following factors:

- a. Whether the property for the proposed private road abuts an existing sidewalk;
- b. Whether the property for the proposed private road is planned for sidewalks, bike paths or other recreational paths in the Master Plan, the Township recreation plan or other Township policy document;
- c. The vehicular traffic volume on the street or streets on which the private road intersects;
- d. The expected vehicular and pedestrian traffic volume on the streets within the private road and the expected impact on the Township's existing and proposed street system;
- e. Whether the Master Plan classification for the property for the proposed private road is Medium Density Residential A or High Density Residential A or both.

B. Road Maintenance. The applicant(s) and/or owners(s) of the proposed private road shall provide to the Township a recorded road maintenance agreement, access easement agreement, deed restrictions or comparable instrument in compliance with Section 3.29D2 which shall provide for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the parties having an interest in the private road. Prior to recording, the agreements and deed restrictions or comparable instrument shall in a form approved by the Township Attorney. These documents shall contain the following provisions.

1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
2. A workable method of apportioning the costs of maintenance, snowplowing, and improvements. The road shall be snowplowed as often as necessary to keep it reasonably passable for motor vehicles, especially for emergency motor vehicles. For purposes of this Ordinance, the words 'maintenance' and 'improvements' shall include but not be limited to tree trimming, tree removal, and reconstruction of the private road.
3. A legal description of the private road easement and a legal description of the individual parcels of land to be served by the private road. All properties served by the private road shall be subject to the private road maintenance agreement.
4. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in Section 3.29A and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of five percent (5%) of the total cost of the improvements.



5. A notice that no public funds of the Charter Township of Jamestown are to be used to build, repair, or maintain the private road.
  6. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
  7. An easement shall be granted on the Township's standard water and sewer easement document covering the entire private road easement and extending to any property lines as directed by the Township engineer for future public water or public sanitary sewer service.
  8. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
  9. Provisions to indemnify, save and hold the Township, and its officers, employees and agents, harmless from any and all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair or replace the private road.
- C. Application, Procedure, and Fee for Review of Private Roads. An application to establish, extend, or relocate a private road shall be filed with the Township Zoning Administrator. The application shall contain or be accompanied by the following:
1. The name(s) of the owners and any other parties having any legal interest in the private road and the property across which it is to be constructed.
  2. Permanent parcel number or legal description of the property over which the private road is to be constructed.
  3. A site location map not to scale which shows the location of the parcel containing the road to surrounding properties and roadways within one-half mile of the site.
  4. A scaled drawing, including a cross section and profile, showing the precise location, route, elevations, grade, dimensions, specifications and design of the private road and any proposed extensions of the road, existing or proposed curb cuts and the location and distance to any public street which the private road is to intersect, in compliance with this Ordinance. The drawing shall also include soils information and the location of all utilities, including but not limited to water, sewer, telephone, gas, electricity, and television cable to be located either in the private road right-of-way or within twenty (20) feet and the location of any lakes, streams, or drains in the proposed private road right-of-way or within one hundred (100) feet.
  5. A scaled drawing illustrating the proposed lot divisions.
  6. A road maintenance agreement, access easement agreement and deed restrictions as described in Section 3.29B herein, shall also accompany the application.

7. A driveway permit from the Ottawa County Road Commission.
  8. A Soil Erosion and Sedimentation Control Permit as issued by the Office of the Ottawa County Water Resources Commissioner.
  9. A letter from the Ottawa County Road Commission indicating there is no known duplication of the proposed private road name.
  10. Permit and escrow fees as established by the Township Board
  11. A cash deposit or an irrevocable letter of credit shall be required in order to ensure the completion of required improvements.
- D. Review of Permit Application, Issuance of Permits. The permit application, drawings and other required information shall be reviewed by the Planning Commission to determine compliance with the standards for private roads. The Planning Commission may consult with the Township Fire Chief, Engineer, Planner, or Attorney as deemed necessary.
1. If the Planning Commission finds that the application meets the requirements of this Ordinance and has engineering review approval from the Township Engineer, the Zoning Administrator shall issue a permit for the construction of the private road. This permit shall consist of a stamp noting approval and containing the signature of the Zoning Administrator and the date of approval. Two copies of the private road plans shall be stamped for approval, one copy shall be kept by the applicant, and one by the Township. This construction permit is not a Private Road Permit and does not authorize the construction of any dwelling units on the private road. The construction permit is valid for a period of one (1) year from the date of approval. If construction of the private road has not commenced before this date, the permit shall expire. A new permit shall be required before construction can begin.
  2. Upon completion of construction of the private road, the applicant shall provide to the Zoning Administrator: *a)* a letter from a registered professional engineer that the road has been constructed in compliance with the approved private road plans as outlined in Section 3.29A12, and *b)* documentation that the road maintenance agreement, access easement and deed restrictions have been recorded with the Ottawa County Register of Deeds office, and *c)* a driveway permit for the private road from the Ottawa County Road Commission.
  3. Upon inspection of the zoning administrator or designee to determine if the Private Road complies with approved plans and specifications and approval of all items required pursuant to Section 3.29D2, the Zoning Administrator shall issue a Private Road Permit.
  4. A building permit shall not be issued for any principal dwelling which derives its primary access from a private road unless a Private Road Permit has been issued by the Township and the road has either been completed in accordance with the approved permit or the applicant for the building permit or owner(s) of the private road right-of-way have provided the Township with cash or irrevocable letter of credit in an amount determined by the Township, to insure construction of the private road in accordance with the approved private road construction permit within one (1) year

from the issuance of the building permit. The letter of credit shall contain a provision that the Township shall have the right to access the letter of credit if such letter is not renewed thirty (30) days before the expiration date of the letter.

5. A Private Road Permit shall not be required for the issuance of a building permit for a principal dwelling on an existing lot which derives its primary access from an existing private road.
- E. Township Liability. The owner(s) of the private road agree by applying for and securing a permit to construct the private road that they shall indemnify and save and hold the Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair and replace the private road. Such wording shall appear on the application for the permit and be signed by the applicant.
- F. In the event of a conflict between the application and submittal requirements for review of a private road by the Planning Commission pursuant to Section 3.29 and the provisions of Chapter 17 for site plan review, the provisions of Section 3.29 shall govern.

### **SECTION 3.30 CHILD CARE SECURITY MEASURES.**

If any permitted or special land uses in this Ordinance provide child care facilities or services and those services or facilities are not licensed by the state, then those uses must comply with the following child care security measures:

1. All nurseries or playrooms must have windows for viewing of the area. The windows or viewing area must equal five (5) percent of the floor area of the child care room or a greater percent as approved by the Planning Commission. Exterior wall windows shall not be included in this calculation.
2. All nurseries or playrooms must be adjacent to or located within fifteen (15) feet of a restroom or a greater distance as approved by the Planning Commission.

### **SECTION 3.31 MINERAL AND SOIL REMOVAL.**

Reference Jamestown Charter Township Ordinance #115B.

### **SECTION 3.32 SANITARY LANDFILLS.**

Sanitary Landfills may be permitted as a special use in any "AR", "C-1", "C-2" or "B/I" Zoning District: provided, however, that no Sanitary Landfill shall be located within six hundred (600) feet from any "R-1", "R-2" or "R-3" Residential Zoning District or any existing Dwelling and provided further, that the special use permit application shall include:

1. The legal description of the property on which the Sanitary Landfill operation will occur.
2. A description of the nature and extent of the proposed Sanitary Landfill operation including the expected types of refuse materials, ancillary disposal activities (such as incineration), the average depth of refuse fill and earth cover, the total average depth

of the completed filling operation, the estimated duration of the landfill operation from site preparation to final land reclamation.

3. Topographic map showing existing and proposed final contour lines and elevations at a five (5) foot maximum contour interval.
4. A description of what precautionary measures will be taken to ensure public health and safety included, but not limited to, the exclusion of unauthorized persons from the premises, protection of groundwater, litter and pest control, and treatment of any hazardous or special refuse.
5. Additional site plan information including phasing of fill areas, surrounding land uses within a one (1) mile radius of the proposed fill area, and the proposed route or route which will be used in transporting refuse material over public Streets or over any private property not included within the boundaries of the proposed Sanitary Landfill operation.

### **SECTION 3.33 WIND TURBINE GENERATORS.**

- A. All conversion systems shall be equipped with manual and automatic overspeed controls to limit rotation of blades to speed below the designed limits of the conversion system. The certified registered engineer and authorized factory representative shall certify that the rotor and overspeed control design and fabrication conform to good engineering practices. No changes or alterations from certified design shall be permitted unless accompanied by a certified registered engineer's and the authorized factory representative's statement of certification.
- B. All electrical compartments, storage facilities, wire conduit and interconnections with utility companies will conform to national and local electrical codes.
- C. A visible warning sign of "High Voltage" will be placed at the base of all conversion systems. The sign shall have at a minimum six (6) inch letters with 3/4-inch stroke. This sign shall include a 24 hour emergency phone number.
- D. All towers or poles must be unclimbable by design or protected by anti-climbing devices such as:
  1. Fences with locking portals at least six (6) feet high;
  2. Anti-climbing devices twelve (12) feet from base of pole;
- E. Tubular towers are required.
- F. Engineering data concerning construction of the tower base must be submitted with an application and site plan. The base of the wind turbine must be constructed in such a manner that on removal of said tower, the soil will be restored to its original condition to a depth of four (4) feet.
- G. Constant velocity turbines are preferred. Variable speed turbines must submit additional data concerning noise when their revolutions per minute exceed 25 rpms.

- H. Visual appearance and its impact on nearby dwellings will be limited by using muted colors, industry standard that minimizes visibility, and by using turbines that are consistent in their appearance.
- I. No advertising of any kind shall be allowed on the wind turbine.
- J. The electrical wires used to connect the turbine tower to its step-up transformer shall be installed at a depth of 48 inches or more below ground.
- K. At the time of application, data from the Michigan DNR must be included that shows migratory routes, nesting sites and or feeding areas of protected avian species indigenous to Michigan and its neighboring states.
- L. The compatibility of the tower structure with the rotors and other components of the conversion systems shall be certified by a certified, registered engineer and by the authorized factory representative. In addition, the lowest point of the blade shall be a minimum of thirty (30) feet above the ground.
- M. All conversion system towers, poles or structures may exceed the height limitations of a zoning district in which it is located, but shall be a distance from the base of the structure to all property lines two (2) times greater than the height of the structure as measured from the base to the highest reach of its blade, thus should the structure collapse or topple, it shall come to rest wholly within the property lines on which it is emplaced.
- N. The certified registered engineer and authorized factory representative shall certify that the construction and installation of the conversion system meets or exceeds the manufacturer's construction and installation standards.
- O. Maintenance and Operation
  1. All conversion systems must be maintained and kept in good working order or shall be removed by the property owner. Any wind turbine that has not produced electrical energy for 12 consecutive months shall be deemed to be abandoned. In the case of pooled parcels, it shall be the obligation of the pooled owners in accordance with their pro rated share to remove the abandoned wind turbine. To ensure that abandoned turbines are removed a cash deposit or an irrevocable letter of credit shall be required at the time of construction.
  2. The property owner, pooled owners, or developer shall provide the Township Zoning Administrator with a copy of the yearly maintenance inspection.
  3. Failure to keep the irrevocable letter of credit in effect while a wind turbine generator or weather testing tower is in place will be a violation of the special land use approval. If a lapse in the irrevocable letter of credit occurs, the Township will use all available remedies including possible enforcement action and revocation of the special land use approval.
- P. Noise levels.

1. The noise level measured at the external property line of the parcel on which the conversion system has been installed shall not exceed 45 decibels.
  2. The applicant shall submit all of the following data at the time of the application that clearly demonstrates that the placement and design of the wind turbine(s) can meet or not exceed the prescribed noise levels.
- Q Required Lighting. Any lighting required by the FAA shall be of the lowest intensity and of the slowest pulse allowed.
- R. Siting Requirements.
1. Such facilities may be permitted as a principal non-residential use or a residential accessory use on a residential use lot.
  2. Minimum Lot size for a Commercial WECS shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WECS proposed within an eligible property. Minimum Lot size for a non-Commercial WECS shall be five (5) acres.

**SECTION 3.34 SCREENING OF REFUSE CONTAINERS.**

All refuse containers (“dumpsters”) associated with commercial or industrial uses shall be adequately screened with opaque fencing or landscaping or both as deemed necessary by the Planning Commission as part of the site plan review process.

**SECTION 3.35 BLIGHT.**

Blight as defined in this ordinance shall be considered a violation of the Jamestown Charter Township Zoning Ordinance and punishable accordingly.

Blight shall include but not be limited to any of the following:

**Storage of Building Materials Without a Valid Building Permit:**

Unless approved by the Township, the storage of any building materials other than in a completely enclosed building. Building materials shall include but shall not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, steel, or any other materials commonly used in constructing any structure. This definition shall not apply to building materials temporarily on a site when there is in force a valid building permit.

**Storage of Junk, Trash, Litter, etc.:**

The storage or accumulation, upon any property, of junk, trash, litter, bottles, cans, rubbish or refuse of any kind, except domestic refuse stored in such manner as not to create a nuisance, for a period not to exceed fifteen days. The term "junk" shall include parts of machinery or motor vehicles,

used stoves, refrigerators, or other material or cast-off material of any kind. This definition shall not include State of Michigan licensed land fills or junk yards.

**Dilapidated Buildings:**

The existence, upon any property, of any structure or part of structure which because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable, as a dwelling, nor useful for any other purpose.

**Unsecured Buildings:**

The existence of any vacant dwelling, garage, or other out-buildings not kept securely locked, windows kept glazed, or neatly boarded up and otherwise protected to prevent entrance thereto.

**Partially Completed Buildings:**

The existence, upon any property, of any partially completed structure unless such structure is in the course of construction in accordance with a valid building permit issued by the Township.

**Motor Vehicles, etc.:**

The outdoor storage, upon any property, of any motor vehicle, stock or racing car, off road vehicle, snowmobile, travel trailer, motorcycle, road tractor is defined as blight if it:

- A. Has been unlicensed or inoperable for more than six (6) consecutive months;
- B. Has any major part missing, including but not limited to missing fenders, windows, wheels, transmissions, engines, carburetors, doors, axles, beds or the like;
- C. Remains in a dismantled or disassembled condition, although all parts are present; or,
- D. Cannot be propelled under its own power (motor vehicle or road tractor).

**SECTION 3.36 MARIJUANA FACILITIES AND ESTABLISHMENTS PROHIBITED.**

- A. The following uses are completely prohibited in the Township, and may not be established or operated in any zoning district, by any means, including by way of a variance:
  - 1. Any and all types of a “marihuana establishment,” as that term is defined and used in Michigan Initiated Law 1 of 2018, commonly known as the Michigan Regulation and Taxation of Marihuana Act.
  - 2. Any and all types of a “marihuana facility,” as that term is defined and used in the Medical Marihuana Facilities Licensing Act, MCL 333.27101, *et seq.*
- B. This Section 3.36 does not limit any privileges, rights, immunities or defenses of a person as provided in the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, *et seq.*, or as reflected in Section 3.4.I of this Ordinance.

**SECTION 3.37 RESIDENTIAL FENCING AND FREE-STANDING WALLS.**

- 1. Fences and free-standing walls not exceeding three (3) feet in height, and retaining walls complying with the corner clearance and visibility requirements set forth in Section 3.14 of this ordinance, are permitted in all zoning districts.

2. Free-standing walls or fences, not exceeding six (6) feet in height, are permitted in a Side or Rear Yard in all zoning districts.
3. A fence shall not contain barbed wire.
4. The finished side of a fence or wall shall face outward, toward an adjacent property or street.
5. All fences and free-standing walls shall be maintained in a good and safe condition.

**SECTION 3.38 GROWTH BOUNDARY.**

The Growth Boundary is the boundary line delineated on the 2019 Master Plan Map of Jamestown Charter Township (that approximates the Rush Creek Watershed and the Minderhout Drain to the point where the Minderhout Drain terminates at Ransom Street), which distinguishes the location where public utilities may be installed from the location where public utilities shall not be installed. The boundary reflects engineering and public utility limitations for the extension of public sanitary sewer service (as public sanitary sewer system facilities have not been sized to serve beyond this natural watershed boundary) and further protects and preserves the rural character of the Township. Public utilities shall not be installed or extended in any areas south of the Growth Boundary line.

**SECTION 3.39 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.



## CHAPTER 4 ZONING DISTRICTS

The Township is hereby divided into the following Zoning Districts:

"AR"	Agricultural-Rural Residential District
"R-1"	Residential District
"R-2"	Residential District
"R-3"	Residential District
"C-1"	Village Commercial District
"C-2"	General Commercial District
"C-3"	Interchange Commercial District
"B/I"	Business/Industrial District
"I-2"	Planned Industrial District
"OD"	32 <sup>nd</sup> Avenue Corridor Overlay District

## CHAPTER 5 ZONING MAP

**SECTION 5.1 ZONING MAP.** The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of Jamestown Charter Township", which map and all amendments hereafter adopted are hereby made a part of this Ordinance. The Zoning Map shall be kept on public display at the Township Hall.

**SECTION 5.2 MAP INTERPRETATION.** Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Zoning Map, the following rules of construction and interpretation shall apply:

- A. Boundaries indicated as approximately following the centerlines of Streets or Alleys shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted Lot lines shall be construed as following such Lot lines.
- C. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
- D. Boundaries indicated as following the shore lines of lakes, rivers, creeks or lake, river or creek beds shall be construed as following such shore line, and in the event of natural change in the location of a shore line, shall be construed as moving with such shore line.
- E. Boundaries indicated as approximately following property lines, section lines or other lines of the Government survey shall be construed as following such property lines as of the effective date of this Ordinance or applicable amendment thereto.

**SECTION 5.3 AREAS NOT INCLUDED WITHIN A ZONING DISTRICT.** In every case where land has not been specifically included within a Zoning District, such land shall be included in the "AR" Agricultural-Rural Residential Zone. In the case of land annexed to the Township, such land shall be included in the Zoning District which most closely approximates the zoning applicable to such land prior to its annexation; provided, however, that if no zoning was in force with respect to such land prior to its annexation, such land shall be included in the "AR" Agricultural-Rural Residential Zone.

## CHAPTER 6 "AR" AGRICULTURAL-RURAL RESIDENTIAL DISTRICT

**SECTION 6.1 STATEMENT OF PURPOSE.** This Zoning District is intended to permit both agricultural uses and very low density residential uses in areas determined to exhibit one or more of the following characteristics: (1) marginal utility for agricultural production, and (2) conditions that are generally unsuitable for more intense forms of development due to soils, topography, ground water, or lack of public utilities and services;

**SECTION 6.2 PERMITTED USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only:

- A. Farm Dwellings, barns, private stables, silos and Accessory Buildings, Structures and Uses customarily and clearly incidental to a permitted use.
- B. Agriculture.
- C. Roadside Stands.
- D. Greenhouses or nurseries.
- F. Essential Services.
- G. One-Family Dwellings including mobile homes and below-grade dwellings.
- H. Schools, libraries and other municipal Structures and uses.
- I. Golf courses, parks and other municipally owned or operated public recreational facilities.
- J. Churches.
- K. Essential Services, excluding Buildings or regulator stations.
- L. Open Space Preservation Projects as regulated by Chapter 28.
- M. Farm Building Conversion
  - 1. An existing building that has been used for at least five (5) years for the housing of agricultural products or equipment, horses, cattle, cows, sheep, chickens, turkeys, ducks, geese, hogs or other agriculturally produced animals, may be used or leased out for warehousing or storage purposes of any kind of personal property, provided that none of such items so stored are parked, placed or kept outside of said buildings and such buildings are completely enclosed on all sides. The items stored need not belong to the owner of the property.
  - 2. An existing accessory building that is not greater than 870 square feet in size and is at least five years of age or older may be used as a food pantry for the distribution of food to the poor and disadvantaged done on a non-profit basis.
  - 3. A site plan shall be submitted and approved by the Zoning Administrator, notwithstanding Section 17, for all driveways, parking areas and loading and unloading areas used in conjunction with the proposed uses allowed by this section.

**SECTION 6.3 SPECIAL USES IN THE "AR" AGRICULTURAL-RURAL RESIDENTIAL ZONING DISTRICT.** The following standards shall be applied by the Planning Commission in addition to the aforementioned general standards when reviewing any special use proposed to be located in the "AR" Agricultural-Rural Residential District:

- A. Conflicts of use between the proposed use and any surrounding residential activities shall be minimized.
- B. Residential special uses including Mobile Homes shall comply with the development requirements of the district in which they are located.
- C. Nonresidential special uses shall be identified by the Planning Commission as either a commercial or industrial use and shall comply with all applicable development requirements of the "C-1" Neighborhood Commercial District or the "B/I" Industrial District, accordingly.

**SECTION 6.4 SPECIAL USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a special use.

- A. Outdoor recreational facilities such as golf courses, parks, play grounds, fairgrounds, nature preserves, commercial riding stables and wildlife sanctuaries.
- B. Public utility and service Buildings.
- C. Commercial enterprises for the sale and service of machinery used in agricultural production.
- D. Facilities used for the centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets.
- E. Commercial enterprises for the storage and sale of seed, feed, fertilizer, and other products essential to agricultural production.
- F. Facilities to provide veterinarian service to livestock.
- G. Facilities used in the research and testing of agricultural products and techniques.
- H. Home occupations. (See Section 3.4)
- I. Commercial and Noncommercial kennels.
- J. Accessory building located in front yard areas.
- K. Essential Service Buildings.
- L. Hospital.
- M. Ground-mounted Communication towers and wind-powered electrical generators exceeding thirty-five (35) feet in height.
- N. 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.

- O. Group Day Care Homes (facilities for 7 - 12 persons) provided that:
1. The home is located not closer than fifteen hundred (1,500) feet to any of the following facilities, as measured along a street, road, or other public thoroughfare, excluding an alley:
    - a. Another licensed group day care home.
    - b. An adult foster care small group home or large group licensed by the State of Michigan.
    - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed by the State of Michigan.
    - d. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
  2. When authorizing such use the Planning Commission shall have the ability to impose such additional conditions it deems necessary to ensure the safety of children and to protect the interests of adjoining properties. Such conditions may relate to and include, but are not limited to, the installation of perimeter fencing, the provision of additional off-street parking spaces and the provision.
- P. Ground-mounted Communication towers and wind turbine generators (Sec. 3.33) exceeding thirty-five (35) feet in height. Such structures may be permitted as Special Uses in the "AR" district subject to the following minimum standards:
1. The proposed structures shall meet all FAA, FCC, and other applicable Federal and State regulations.
  2. The applicant shall submit certification from a qualified engineer that the design is sufficient to ensure safety.
  3. The distance from the base of the tower to all adjoining properties is equal to or exceeds the height of the tower.
- Q. Noncommercial kennels may be permitted as a special use in the "AR" Zoning District provided the following conditions are met:

1. The kennel shall not involve the business of boarding, breeding or grooming of any animal for pay or profit.
  2. The lot or parcel of land on which the kennel is to be located shall be a minimum of five (5) acres in size.
  3. All kennel buildings or structures used to house the animals, including pens, stalls, and other animal holding areas shall be kept a minimum of one hundred (100) feet from any adjoining property line or street right-of-way.
  4. The kennel facility shall be enclosed by a fence or other suitable material to a height that will contain the animals on the premises and prevent the public or stray animals from obtaining entrance to the kennel and gaining contact with the animals lodged in the facility.
  5. The kennel facilities shall have floors that are well drained and shall be constructed of materials that are easily cleaned.
  6. At any given time, there shall be a maximum limit of six (6) animals, each over the age of four (4) months of age, allowed to be kept at the kennel.
- R. Boarding and Lodging Homes, provided;
1. The business is located on a paved road;
  2. Is served by the public sanitary sewer system and public water system;
  3. Has a manager onsite when the inn is in use, and
  4. Does not serve meals except to registered guests.
- S. Commercial kennels may be permitted as a special use in the "AR" Zoning District provided the following conditions are met:
1. A commercial kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third (1/3) acre for each animal thereafter.
  2. Accessory buildings where animals are kept, runs, and exercise areas shall not be located closer than one hundred (100') feet to any adjacent residential lot line.
  3. All kennels shall be operated in conformance with all applicable County, State and Federal regulations.
  4. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
  5. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring landowners or residents is prohibited.

6. The intensity level of sounds shall not exceed seventy-five (75dbA) decibels at the lot line of industrial uses; sixty-five (65dbA) decibels at the lot line of commercial uses and fifty-five (55dbA) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the National Institute of Standards and Technology.
7. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
8. During the hours between 7:00 a.m. and 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
9. Runs and/or exercise areas, and buildings where the animals are maintained shall be located in the rear yard only.
10. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.
11. The outside perimeter of the run and/or exercise area of a commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of animals.
12. All animals must be licensed and maintained in a healthful and careful manner.
13. Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
14. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor.
15. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
16. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.

T. Sanitary landfills per Section 3.32.

**SECTION 6.5 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate the manner of land development in the "AR" Agricultural-Rural Residential District.

A. Yard and Lot Requirements:

1. Front Yards: In addition to Arterial setbacks required by Section 3.20(A), the minimum Front Yard depth shall be fifty (50) feet
2. Side Yards. There shall be total Side Yards of not less than fifty (50) feet; provided, however, no Side Yard shall be less than twenty (20) feet.
3. Rear Yard: There shall be a Rear Yard of not less than seventy-five (75) feet.



4. Lot Width and Area: The minimum Lot width and area shall be two hundred (200) feet and two (2) acres, respectively.
5. Exception to the two (2) acre minimum lot size is permitted through open space site design when a percentage of the parcel is maintained as open space. In this case, the Planning Commission shall allow a bonus density allotment of fifty (50) percent if fifty (50) percent of the development is maintained as open space. If forty (40) percent is maintained open space, a forty (40) percent bonus is permitted and so forth down to twenty (20) percent bonus for twenty (20) percent open space. The open space area may be continued in agricultural activity provided that it shall revert to open space at such time as the agricultural activity is terminated. Applications for such developments shall otherwise comply with the requirements of Chapter 28.

B. Floor Area Requirements:

1. All one (1) story Dwellings, (including bi-level, tri-level, and split-level type Dwellings not exceeding one and one-half (1-1/2) stories), containing not more than two (2) bedrooms, shall have a Floor Area not less than one thousand (1,000) square feet. One (1) story Dwellings containing more than two (2) bedrooms shall contain at least one hundred fifty (150) square feet of additional habitable Floor Area for each bedroom in excess of two (2) within said Dwelling.
2. All Dwellings greater than one and one-half (1-1/2) stories shall contain a total Floor Area of not less than twelve hundred (1,200) square feet, seven hundred twenty (720) square feet of which must be on the first floor.

C. Sign Requirements: Reference Section 24.12

## CHAPTER 7 "R-1" RESIDENTIAL DISTRICT

**SECTION 7.1 STATEMENT OF PURPOSE.** This Zoning District is designed to encourage an environment of predominantly low density One-Family Dwellings together with a minimum number of other residentially related facilities and activities primarily of service to the residents in the area.

**SECTION 7.2 PERMITTED USES.** Land, Buildings and Structures in this Zoning District may be used for the following purposes only:

- A. Single family homes except below-grade dwellings.
- B. Schools, libraries, and other municipal structures and uses.
- C. Golf courses, parks, and other municipally owned or operated public recreational facilities.
- D. Churches.
- E. Essential services, excluding buildings or regulator stations.
- F. Accessory Buildings and uses customarily and clearly incidental to any of the foregoing uses.
- G. Open Space Preservation Projects as regulated by Chapter 28.

**SECTION 7.3 SPECIAL USES.** Land, Buildings and Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a special use.

- A. Two-Family Dwellings.
- B. Farming and agricultural operations together with bona fide agricultural Accessory Buildings, and the right to sell products, poultry, or animals produced, raised or grown on the premises.
- C. Essential Service Buildings, or gas or electric regulator stations.
- D. Home occupations. (See Section 3.4)

**SECTION 7.4 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate land development in the "R-1" Residential District.

- A. Yard and Lot Requirements:
  - 1. Front Yard: In addition to arterial setbacks as required by Section 3.20(A), the minimum Front Yard depth shall be fifty (50) feet.
  - 2. Side Yards: There shall be total Side Yards of not less than thirty-five (35) feet; provided, however, that no Side Yard shall be less than fifteen (15) feet.
  - 3. Rear Yard: There shall be a Rear Yard of not less than fifty (50) feet.
  - 4. Lot Width and Area: The minimum Lot width and area shall be one hundred thirty-two (132) feet and thirty thousand (30,000) square feet, respectively.
- B. Floor Area Requirements:
  - 1. All one story Dwellings, (including bi-level, tri-level, and split-level type Dwellings not exceeding one and one-half (1-1/2) stories). containing not more than two (2) bedrooms, shall have a Floor Area not less than nine hundred sixty (960) square feet. One story Dwellings containing more than two (2) bedrooms shall contain at least one hundred twenty (120) square feet of additional habitable Floor Area for each bedroom in excess of two (2) within said Dwelling.

2. All Dwellings greater than one and one-half (1-1/2) stories shall contain a minimum total Floor Area of not less than one thousand eighty (1,080) square feet, six hundred twenty-four (624) square feet of which must be on the first floor.
- C. Sign Requirements: Reference Section 24.13
- D. Height Requirements: No building or structure shall exceed thirty-five (35) feet in height.

## CHAPTER 8 "R-2" RESIDENTIAL DISTRICT

**SECTION 8.1 STATEMENT OF PURPOSE.** This Zoning District is intended to provide for a greater density of residential development than that provided in the "R-1" Residential District, together with other residentially related facilities and services.

**SECTION 8.2 PERMITTED USES.** Land, Buildings and Structures in this Zoning District may be used for the following purposes only:

- A. Single family homes, except below-grade dwellings.
- B. Two-Family Dwellings if the lot or parcel of land on which the building is located fronts on a Street designated as a Primary or Secondary Arterial on the Township General Development Plan.
- C. Schools, libraries, and other municipal structures and uses.
- D. Golf courses, parks, and other municipally owned or operated public recreational facilities.
- E. Churches.
- F. Essential services, excluding buildings or regulator stations.
- G. Accessory Buildings and uses customarily and clearly incidental to any of the foregoing uses .
- H. Open Space Preservation Projects as regulated by Chapter 28.

**SECTION 8.3 SPECIAL USES.** Land, Buildings and Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a special use. Nonresidential special uses shall be identified by the Planning Commission as either a commercial or industrial use and shall comply with all applicable development requirements of the "C-1" Neighborhood Commercial District or the "B/I" Industrial District, accordingly.

- A. Multiple Family Dwellings of no greater than four (4) Dwelling Units.
- B. State licensed nursing, or convalescent homes of not more than six (6) beds.
- C. Boarding or lodging houses containing no more than four (4) separate units.
- D. Farming and agricultural operations, together with bone fide Accessory Buildings, and the right to sell products, poultry or animals produced, raised or grown on the premises.
- E. Essential Service Buildings, or gas or electric regulator stations.
- F. Home occupations. (See Section 3.4)

**SECTION 8.4 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate land development in the "R-2" Residential District.

- A. Yard and Lot Requirements:
  - 1. Front Yard: In addition to arterial setbacks as required by Section 3.20(A), the minimum Front Yard depth shall be thirty-five (35) feet.
  - 2. Side Yards: There shall be total Side Yards of not less than twenty-five (25) feet; provided, however, that no Side Yard shall be less than ten (10) feet.
  - 3. Rear Yard: There shall be a Rear Yard of not less than fifty (50) feet.
  - 4. Lot Width and Area: After the effective date of this amendment, the minimum Lot width and area for One-Family Dwellings shall be one hundred (100) feet and twenty five thousand (25,000) square feet respectively. Lots of record on or before the effective date of this amendment shall be deemed conforming provided that they contain a minimum of twenty thousand (20,000) square feet of lot area and one hundred (100) feet of lot width.

The minimum lot width and area for Two-Family Dwellings shall be one hundred twenty (120') feet and twenty-five thousand (25,000) square feet, respectively. The minimum lot width and area for Three-Family Dwellings shall be one hundred twenty-five (125') feet and thirty thousand (30,000) square feet, respectively. The minimum lot width and area for Four-Family Dwellings shall be one hundred fifty (150') feet and thirty thousand (30,000) square feet, respectively.

- B. Floor Area Requirements:
  - 1. All one story Dwellings, (including bi-level, tri-level, and split-level type Dwellings not exceeding one and one-half (1-1/2) stories). containing not more than two (2) bedrooms, shall have a Floor Area not less than nine hundred sixty (960) square feet. One story Dwellings containing more than two (2) bedrooms shall contain at least one hundred twenty (120) square feet of additional habitable Floor Area for each bedroom in excess of two (2) within said Dwelling.
  - 2. All Dwellings greater than one and one-half (1-1/2) stories shall contain a minimum total Floor Area of not less than one thousand eighty (1,080) square feet, six hundred twenty-four (624) square feet of which must be on the first floor.
- C. Sign Requirements: Reference Section 24.13
- D. Height Requirements: No building or structure shall exceed thirty-five (35) feet in height.

## CHAPTER 9 "R-3" RESIDENTIAL DISTRICT

**SECTION 9.1 STATEMENT OF PURPOSE.** Demand for high density low cost housing within the Township may increase as urban and suburban expansion continues. Though existing municipal services and utilities and general environmental conditions are not adequate to support such concentrations of population, this Zoning District is designed to set aside a small amount of land area for future high density residential use until such time that adequate public services and utilities are provided and/or environmental constraints are feasibly overcome.

**SECTION 9.2 PERMITTED USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only:

- A. Two-Family Dwellings.
- B. Multiple Family Dwellings of no greater than four (4) Dwelling Units.

**SECTION 9.3 SPECIAL USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a Special Use.

- A. Farming and agricultural operations together with bona fide Accessory Buildings, and the right to sell products, poultry, or animals produced, raised or grown on the premises.
- B. Essential Service Buildings, or gas or electric regulator stations.
- C. Home occupations. (See Section 3.4)
- D. (Reserved for future use)
- E. State licensed nursing, convalescent or adult foster care homes of not more than thirteen (13) beds.
- F. Boarding or lodging houses of more than (4) four units.
- G. Manufactured Home Developments, provided that:
  - 1. All Manufactured Home Developments shall be licensed in accordance with Michigan Public Act 419 of 1976, as amended, and shall be in compliance with all rules and regulations promulgated thereby except as may be modified herein.
  - 2. Each Manufactured Home Development shall consist of not less than ten (10) acres and shall be owned and operated as one (1) entity or on a condominium basis.
  - 3. No Manufactured Home or permanent Building or Structure shall be located closer than fifty (50) feet to a public right-of-way nor closer than ten (10) feet to another Manufactured Home Development or a Manufactured Home Development boundary line which is adjacent to or part of a Greenbelt. In all other cases no Manufactured Home or permanent Building or Structure shall be located closer than twenty (20) feet to the Manufactured Home Development boundary line.
  - 4. Each Manufactured Home site shall have a minimum site area of four thousand (4,000) square feet provided, however, that said minimum site area may be reduced by not more than twenty percent (20%) if for each square foot of land gained through the reduction of the site below four thousand (4,000) square feet at least an equal amount of land shall be dedicated as open space. For the purposes of this section, Manufactured Home Site shall be defined as a measured parcel of land within a Manufactured Home Development which is delineated on a final development plan and which is intended for the placement of a Manufactured Home and the exclusive use of the occupants of such Manufactured Home.

5. Each Manufactured Home site shall abut a Street within the Manufactured Home Development. If such Streets are designed to provide two-way traffic, the pavement width shall be no less than twenty-four (24) feet. If only one-way traffic is to be accommodated, the Street pavement width shall be no less than twenty (20) feet.
6. Each Manufactured Home Development shall be located so that at least two (2) access Streets within the development are connected to a Primary Arterial and provides a continuous route of travel throughout the park. No two access Streets shall be located closer than three hundred (300) feet to each other. No access Streets shall be closer than one hundred (100) feet to any boundary line of the Manufactured Home Development nor closer than two hundred (200) feet to the intersection of any two (2) public Streets. Except for restricted emergency exists, no ingress or egress shall be provided via secondary arterial or other local streets.
7. All public and private utilities shall be installed underground.
8. All Manufactured Homes shall be installed, anchored and skirted in accordance with R.125.1602-08 of the Michigan Administration Code, being Rules 602-608 of the General Rules of the Michigan Manufactured Home Commission.
9. All Streets and parking areas in the Manufactured Home Development shall be of hard surface approved by the Department of Commerce pursuant to R.125.1901 and R.125.1922 of the Michigan Administrative Code, being Rules 901(G) and 922 of the General Rules of the Michigan Mobile Home Commission.
10. Each Manufactured Home park shall contain an open space area dedicated to common park use which is equal to no less than the area of land gained through the Manufactured Home site reductions as specified in Section 10.8(C),(4) herein or an amount equal to no less than that required under R.125.1946 of the Michigan Administration Code, being Rule 946 of the General Rules of the Michigan Mobile Home Commission.
11. No Manufactured Home Development construction shall commence until a Special Use Permit has been granted by the Planning Commission. No approval by a State or County shall supersede the approval required herein.

H. State licensed nursing, convalescent or foster care homes of not more than thirteen (13) beds

**SECTION 9.4 ADDITIONAL STANDARDS FOR SPECIAL USES IN THE "R-3" RESIDENTIAL DISTRICT.** The following standards shall be applied by the Planning Commission in addition to general standards when reviewing any special uses proposed to be located in the "R-3" Residential District:

- A. No special use shall be authorized on sites without service by the public sanitary sewer system and public water system.
- B. Nonresidential special uses shall be identified by the Planning Commission as either a commercial or industrial use and shall comply with all applicable development requirements of the "C-1" Neighborhood Commercial District or the "B/I" Industrial District, accordingly.

**SECTION 9.5 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate land development in the "R-3" Residential District.

A. Yard and Lot Requirements:

1. Front Yard: In addition to arterial setbacks as required by Section 3.20(A), the minimum Front Yard depth shall be thirty-five (35) feet.
2. Side Yards: There shall be total Side Yards of not less than twenty-five (25) feet; provided, however, that no Side Yard shall be less than ten (10) feet.
3. Rear Yard: There shall be a Rear Yard of not less than fifty (50) feet.
4. Lot Width and Area: The minimum Lot width and area for Two-Family Dwellings shall be one hundred (100) feet and fifteen thousand (15,000) square feet, respectively. The minimum Lot width and area for three-family Multiple Dwellings shall be one hundred twenty-five (125) feet and twenty-two thousand five hundred (22,500) square feet, respectively. The minimum Lot width and area for four-family Multiple Dwellings shall be one hundred fifty (150) feet and twenty-seven thousand (27,000) square feet, respectively.

B. Floor Area Requirements:

1. All one story Dwellings, (including bi-level, tri-level, and split-level type Dwellings not exceeding one and one-half (1-1/2) stories). containing not more than two (2) bedrooms, shall have a Floor Area not less than nine hundred sixty (960) square feet. One story Dwellings containing more than two (2) bedrooms shall contain at least one hundred twenty (120) square feet of additional habitable Floor Area for each bedroom in excess of two (2)bedrooms within said Dwelling.
2. All Dwellings greater than one and one-half (1-1/2) stories shall contain a minimum total Floor Area of not less than one thousand eighty (1,080) square feet, six hundred twenty-four (624) square feet of which must be on the first floor.

C. Sign Requirements: Reference Section 24.13

D. Height Requirements: No building or structure shall exceed thirty-five (35) feet in height.



## CHAPTER 10 "C-1" VILLAGE COMMERCIAL DISTRICT

**SECTION 10.1 STATEMENT OF PURPOSE.** This Zoning District is intended to permit a variety of neighborhood and community oriented retail, service, administrative, financial and civic uses as well as residences in a harmonious mix of activities. This District is not intended to support major comparison shopping facilities or open air businesses.

**SECTION 10.2 PERMITTED USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only;

- A. Retail sales businesses selling such products as, but not limited to, clothing and clothing accessories, fabrics, shoes, baked goods, confection, drugs, meats, groceries, specialty foods, flowers, hardware, bicycles, hobby and craft supplies, sporting goods, jewelry, musical instruments, notions, stationary, books, office and art supplies, office machines, computers, electronics, household appliances and sundry items.
- B. Business and professional offices.
- C. Medical and dental clinics.
- D. Bank, loan and finance offices including drive thru facilities and ATMs when accessory to a principle use.
- E. Funeral homes, crematories and other ancillary funeral operations.
- F. Nursery schools or child day care facilities.
- G. Nursing, convalescent or foster care homes of not more than thirteen (13) beds.
- H. Boarding and lodging homes.
- I. Bed and breakfast establishments.
- J. Restaurants and cafes, excluding dancing, floor shows or the consumption of alcoholic beverages.
- K. Indoor theaters.
- L. Personal service establishments performing services on the premises such as, but not limited to, repair shops, (jewelry, radio and television, shoe, etc.) tailor shops, hair salons and barber shops, photographic studios, and print shops. Automobile repair shall not be considered a personal service establishment.
- M. Dry cleaning establishments dealing directly with the consumer.
- N. Self service coin operated laundry facilities.
- O. Libraries and government administration or service buildings such as post offices, fire stations and police offices.
- P. Essential Services as defined in Section 2.34.
- Q. Accessory Buildings and uses customarily incidental to any of the foregoing uses when located on the same Lot or parcel of land, not including any manufacturing or treatment activities.
- R. One and two family dwellings.

**SECTION 10.3 SPECIAL USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a special use.

- A. Gasoline stations, oil change, tune up, brake and muffler shops.

- B. Automobile repair, auto body and paint shops.
- C. New and used car sales, excluding boat and RV sales and service, manufactured and modular home sales.
- D. Indoor commercial recreational facilities such as bowling alleys, video arcades and billiards.
- E. Restaurants, cafes, taverns, clubs or other eating or entertainment establishments involving dancing, floor shows or the consumption of alcoholic beverages on premise.
- F. Drive in or drive thru restaurant facilities.
- G. Public and private schools.
- H. Churches.
- I. Three to four unit dwelling units in compliance with minimum standards for lot size.
- J. Nursing, convalescent or foster care homes exceeding thirteen (13) beds.
- K. Second floor dwelling units above principle use commercial store fronts.
- L. Off-street parking lots as a principal use.
- M. Outdoor farmers markets and flea markets as temporary or seasonal uses.
- N. Sanitary landfills per Section 3.32.
- O. Auto wash facilities.

**SECTION 10.4 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate the manner of Commercial development in the "C-1" Commercial District.

A. Yard Requirements:

1. Front Yard: There shall be Front Yard of not less than fifty (50) feet; provided, however, that the minimum Front Yard shall be modified to equal the average of currently existing Front Yards on Lots wholly or partially within three hundred (300) feet of any Lot currently or proposed to be built on and located on the same side of the same Street. No Front Yard as required by this section shall be less than ten (10) feet. Any Front Yard required herein shall be in addition to arterial setbacks as required by Section 3.20(A).
2. Side Yards: Where the side of a Lot in any "C" Commercial District abuts on the side of a Lot in any "R" Residential District, the Side Yard abutting such a Lot shall not be less than fifty (50) feet. On Corner Lots, there shall be no less than ten (10) feet of Side Yard on the Street side in addition to arterial setbacks as required by Section 3.20(A). In all other cases, a fifteen (15) foot minimum Side Yard shall be required; provided, however, that no Side Yard shall be required where the wall of the Building is located on the Lot Line.
3. Rear Yard: Where the rear of a Lot within a "C" Commercial District abuts on the Side Yard of a Lot in any "R" Residential District, there shall be a Rear Yard of not less than fifty (50) feet. In all other cases, there shall be a Rear Yard of not less than twenty-five (25) feet; provided, however, that no Rear Yard shall be required where the wall of the Building is located on the Lot Line.
4. Lot Width and Area: (Also Reference Section 3.20 and 3.21). Any lot or parcel in the C-1 District which was not a lot of record on the effective date of this amendment shall

have a minimum width of one hundred (100) feet at the street right-of-way line and shall contain a minimum lot area of fifteen thousand (15,000) square feet.

- B. Greenbelt Requirements: Those Side or Rear Yards in any "C" Commercial District which abut on any residential Lot or any "R" Residential District shall have and maintain a Greenbelt between the commercial use and said residential Lot or "R" Residential District.
- C. The installation of curb and gutter is required for all new construction.
- D. Sign Requirements: Reference Section 24.14.
- E. Maximum building and structure height: thirty-five (35) feet (Reference Sec. 3.23 for exceptions).

## CHAPTER 11 "C-2" GENERAL COMMERCIAL DISTRICT

**SECTION 11.1 STATEMENT OF PURPOSE.** This Zoning District is intended to serve the comparison shopping needs of residents of the area. It is characterized by businesses with larger lot requirements, extended hours and higher traffic volumes than the C-1 Village Commercial District.

**SECTION 11.2 PERMITTED USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only:

- A. Retail sales businesses selling such products as, but not limited to, clothing and clothing accessories, fabrics, shoes, baked goods, confections, drugs, meats, groceries, specialty foods, flowers, hardware, bicycles, hobby and craft supplies, sporting goods, jewelry, musical instruments, notions, stationary, books, office and art supplies, office machines, computers, electronics, household appliances and sundry items.
- B. Business and professional offices.
- C. Medical and dental clinics.
- D. Bank, loan and finance offices including drive thru facilities and ATMs when accessory to a principle use.
- E. Funeral homes, crematories and other ancillary funeral operations.
- F. Nursery schools or child day care facilities.
- G. Restaurants and cafes, excluding floor shows or the consumption of alcoholic beverages.
- H. Indoor theaters.
- I. Personal service establishments performing services on the premises such as, but not limited to repair shops, (jewelry, radio and television, shoe, etc.) tailor shops, hair salons and barber shops, photographic studios, and print shops. Automobile repair shall not be considered a permitted use by right.
- J. Dry cleaning establishments dealing directly with the consumer.
- K. Libraries and government administration or service buildings such as post offices, fire stations and police offices.
- L. Essential Services as defined in Section 2.34.
- M. Self service coin operated laundry facilities.
- N. Veterinary clinics, small animals and indoor runs only.
- O. Pet shops.
- P. Wholesale stores.
- Q. Hotels, Motels and extended stay lodges.
- R. Accessory Buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land as a principal use.

**SECTION 11.3 SPECIAL USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a Special Use:

- A. Major automobile repair, auto body and paint shops.
- B. Gasoline stations, oil change, tune up, brake and muffler shops.
- C. New and used car, boat and RV sales and service, excluding manufactured and modular home sales.
- D. Lumberyards.
- E. Restaurants, cafes, taverns, clubs or other eating or entertainment establishments involving dancing, floor shows or the consumption of alcoholic beverages on premise.
- F. Drive in or drive thru restaurant facilities.
- G. Public and private schools.

- H. Churches.
- I. Indoor recreational facilities such as bowling alleys, video arcades, billiards.
- J. That portion of any use permitted by right which is not conducted wholly within a completely enclosed building, except for automobile parking for customers or employees, off-street loading spaces, and signs. Outdoor storage of vehicles to be repaired shall require a special use permit.
- K. Multi-tenant retail shopping centers in excess of 40,000 square feet gross floor area.
- L. Sanitary landfills per Section 3.32.
- M. Auto wash facilities.

**SECTION 11.4 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate the manner of commercial development in the "C-2" Commercial District.

- A. Dimensional Requirements: The minimum yard area and setback requirements for the District are as indicated in Table 11-1.

**Table 11-1  
DIMENSIONAL STANDARDS FOR  
THE C-2 GENERAL COMMERCIAL DISTRICT**

Minimum Building Setbacks			Max. Building Height		Minimum Buffer Yard			Minimum Lot Size	
Front Yard	Side Yard	Rear Yard	Feet	Stories	Front	Side	Rear	Area	Lot Width Frontage
50 ft. <sup>1</sup>	20 ft. <sup>2</sup>	20 ft. <sup>3</sup>	35 ft.	2 1/2	10 ft.	5 ft. <sup>5</sup>	10 ft. <sup>5</sup>	TBD. <sup>4</sup>	TBD. <sup>4</sup>

**Footnotes<sup>1</sup>**

1. The minimum lot area and front yard shall be met exclusive of public or private street rights-of-way and shall be exclusive of any area and distance within 60 feet of the centerline of a primary road and within 50 feet of the centerline of an un-platted county local road. Provided further that in addition to the above considerations, the minimum front yard shall be equal or greater to the average of existing front yards on lots wholly or partially within three hundred feet on the same side of the street. No front yard shall be less than ten feet in depth.
2. Where the side of a Lot in any "C-2" General Commercial District abuts on an "AR" or any "R" Residential District, the side yard abutting such a lot shall not be less than fifty (50) feet. On Corner Lots, there shall be no less than fifty (50) feet of setback on the street side.
3. Where the rear line of a lot abuts on the rear or side yard of a lot in any "AR" or "R" Residential District, there shall be a rear yard depth of not less than fifty (50) feet.
4. The minimum lot size shall be determined by the development requirements for the district. All lots shall be of a size to accommodate the building, setback requirements, landscaping and parking as required in this Ordinance. No lot may exceed the 4:1 ratio of depth to width.
5. Increase to 15 feet when adjacent to an "AR" or "R" District (Reference Section 2.41 Greenbelt).

- B. Landscape Standards; Reference Chapter 26

- C. Sign Requirements; Reference Section 24.14

## CHAPTER 12 "C-3" INTERCHANGE COMMERCIAL DISTRICT

**SECTION 12.1 STATEMENT OF PURPOSE.** This Zoning District is intended to serve the needs of the motoring public using high speed, limited access freeways of the metropolitan region.

**SECTION 12.2 PERMITTED USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only:

- A. Restaurants and drive-in business (excluding drive-in theaters) where service may be in automobiles or outdoors; but where all other activities shall be carried on within a Building.
- B. Gasoline stations, oil change, tune up, brake and muffler shops
- C. Motels, hotels and other types of temporary lodging accommodations.
- D. Accessory Uses including customary and incidental retail sales accessory to the foregoing permitted uses.

**SECTION 12.3 SPECIAL USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a Special Use:

- A. Retail establishments selling principally new merchandise where no assembling, treatment or manufacturing is required.
- B. Residential Dwellings.
- C. Truck stops (including vehicle wash facilities) and manufactured and modular homes sales.
- D. Vehicles sales and service businesses.
- E. Other uses similar to those permitted by right which serve the needs of the motoring public as determined by the Zoning Board of Appeals.

**SECTION 12.4 DEVELOPMENT REQUIREMENTS.** This section is intended to regulate the manner of commercial development in the "C-3" Commercial District.

- A. Yard Requirements:
  - 1. Front Yard: There shall be Front Yard of not less than fifty (50) feet; provided, however, that the minimum Front Yard shall be modified to equal the average of currently existing Front Yards on Lots wholly or partially within three hundred (300) feet of any Lot currently or proposed to be built on and located on the same side of the same Street. No Front Yard as required by this section shall be less than ten (10) feet. Any Front Yard required herein shall be in addition to arterial setbacks as required by Section 3.20(A).
  - 2. Side Yards: Where the side of a Lot in any "C" Commercial District abuts the side of a Lot in any "R" Residential District, the Side Yard abutting such a Lot shall not be less than fifty (50) feet. On Corner Lots, there shall be no less than ten (10) feet of Side Yard on the Street side in addition to arterial setbacks as required by Section 3.20(A). In all other cases, a fifteen (15) foot minimum Side Yard shall be required; provided, however, that no Side Yard shall be required where the wall of the Building is located on the Lot Line.
  - 3. Rear Yard: Where the rear of a Lot within a "C" Commercial District abuts on the Side Yard of a Lot in any "R" Residential District, there shall be a Rear Yard of not less than fifty (50) feet. In all other cases, there shall be a Rear Yard of not less than twenty-five

(25) feet; provided, however, that no Rear Yard shall be required where the wall of the Building is located on the Lot Line.

4. Lot Width and Area: Any lot or parcel in the "C-3" District which was not a lot of record on February 26, 1990 shall have a minimum width of one hundred fifty (150) feet at the street right-of-way line and shall contain a minimum of twenty thousand (20,000) square feet. (Also Reference Sections 3.20 and 3.21).
- B. Greenbelt Requirements: Those Side or Rear Yards in any "C" Commercial District which abut on any residential Lot or any "R" Residential District shall have and maintain a Greenbelt between the commercial use and said residential Lot or "R" Residential District.
- C. Sign Requirements. Reference Section 24.14.
- D. Maximum building and structure height: fifty (50) feet (Reference Sec. 3.23 for exceptions).

## CHAPTER 13 "B/I" BUSINESS AND INDUSTRIAL DISTRICT

**SECTION 13.1 STATEMENT OF PURPOSE.** This zoning district is intended to provide for a variety of permitted business and industrial uses. The locations of this district recognize the need of most businesses for good highway accessibility. The regulations of this district are based on a recognition that unless controlled, adverse affects of the uses may extend beyond the boundaries of the site on which the use is located.

**SECTION 13.2 PERMITTED USES.** The following commercial and industrial uses shall be permitted in the B/I Business and Industrial District. No commercial or industrial use listed hereunder shall be permitted any closer than one hundred fifty (150) feet to any "R" Residential District or residential use:

- A. Any of the following commercial uses:
1. Retail sales businesses selling such products as but not limited to, clothing and clothing accessories, fabrics, shoes, baked goods, confections, drugs, meats, groceries, specialty foods, flowers, hardware, bicycles, hobby and craft supplies, sporting goods, jewelry, musical instruments, notions, stationary, books, office and art supplies, office machines, computers, electronics, household appliances and sundry items.
  2. Business and professional offices
  3. Medical and dental clinics.
  4. Bank, loan and finance offices including drive thru facilities and ATMs when accessory to a principle use.
  5. Restaurants and cafes, dancing, floor shows or the consumption of alcoholic beverages.
  6. Libraries and government administration or service buildings such as post offices, fire stations and police offices.
  7. Essential Services as defined in Section 2.34.
  8. Signs: As regulated in Chapter 24.
  9. Veterinary Clinics and Hospitals.
  10. Bus terminals.
  11. Wholesale stores.
  12. Mini-warehouses, and rental storage facilities.
  13. Sign shops.
  14. Cider mills.
  15. Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator, taxidermist, exterminator, or similar trade subject to the following conditions:
    - a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
    - b. The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
    - c. There shall be no outside storage and/or display of materials or goods of any kind.
  16. Accessory Uses including customary and incidental retail sales accessory to the foregoing permitted uses.
- B. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emit significant levels of



noise, smoke, odor, dirt, noxious gases, heat or other forms or radiation, vibration or other physiological ill effects which would pose a health or safety hazard or be a nuisance or annoyance to the inhabitants of adjacent premises and which are wholly contained within fully enclosed Buildings except for the following permissible outdoor activities:

1. Outdoor storage in the Rear Yard area which shall not exceed twenty percent (20%) of the Floor Area of the principal Building on the premises and which must be screened from adjoining premises of any other Zoning District and from public Streets in accordance with the requirements in Section 3.10 of this Ordinance.
2. Delivery operations to and from the industrial use.
3. Farming and agricultural operations, together with a reasonable number of Accessory Buildings, and the right to sell products, poultry or animals produced, raised or grown on the premises.

C. Commercial Kennels.

**SECTION 13.3 ADDITIONAL PERMITTED USES.** The following additional industrial uses shall be permitted in the B/I Business and Industrial District; provided, however, that no use listed hereunder shall be permitted any closer than three hundred thirty (330) feet to any "R" Residential District or residential use:

- A. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not involve outdoor storage or activities occupying more than fifty percent (50%) of the Floor Area of the principal Building located on the premises.

**SECTION 13.4 SPECIAL USES.** Land, Buildings or Structures in this Zoning District may be used for the following purposes only when authorized by the Planning Commission as a special use:

- A. Lumberyards, building material storage yards for new material.
- B. Slaughter houses.
- C. Storage yards for machinery, trucks, or equipment in operating condition, provided adequate screening is installed and maintained according to the requirements of Section 3.10.
- D. Other industrial operations which involve outdoor storage or activities exceeding fifty percent (50%) of the Floor Area of the principal Building located on the premises.
- E. Greenhouses and nurseries.
- F. Restaurants, cafes, taverns, clubs or other eating or entertainment establishments involving dancing, floor shows or the consumption of alcoholic beverages on premise.
- G. Drive in or drive thru restaurant facilities.
- H. Major automobile repair, auto body and paint shops when accessory to principal use auto dealership.
- I. Gasoline stations, oil change, tune up, brake and muffler shops.
- J. New and used car, boat and RV sales and service, excluding manufactures and modular home sales.
- K. Public and private schools.
- L. Churches.
- M. Indoor recreational facilities such as bowling alleys, video arcades, billiards.
- N. Outdoor commercial recreation facilities such as miniature golf, go carts, batting cages, etc.
- O. Motor freight terminals.

- P. Truck stops.
- Q. Modular and manufactured home sales.
- R. That portion of any use permitted by right which is not conducted wholly within a completely enclosed building, except for automobile parking for customers or employees, off-street loading spaces, and signs (Outdoor storage of vehicles to be repaired shall require a special use permit).
- S. Sanitary landfills per Section 3.32.
- T. Adult Entertainment Uses subject to the following:
  - 1. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential area or community and neighborhood shopping areas, thereby having a deleterious effect on such areas. It is also recognized that the controlled uses have legitimate rights under the United States constitution as well as locational needs similar to many other retail establishments. Special regulation of these uses within the B/I Business/Industrial District is therefore necessary to ensure that adverse effects of such uses will not contribute to the blighting or downgrading of residential areas or the quality of the community's neighborhood business areas. At the same time, these controls are intended to provide commercially viable locations within the Township where these uses are considered more compatible and less deleterious. The controls do not legitimize activities that are otherwise illegal under this Ordinance or various other local, state, and federal statutes.
  - 2. Uses subject to these controls are as follows:
    - a. Adult Motion Picture Theaters
    - b. Adult Book and Video Stores
    - c. Adult Cabarets
    - d. Nude Artist and Photography Studios
    - e. Massage Parlors
    - f. Host or Hostess Establishment
    - g. Sauna, Hot Tub, or Other Similar Health or Body Improvement or Enjoyment Enterprise
    - h. Open Dance Hall
    - i. Adult Smoking or Sexual Paraphernalia Store
    - j. Adult Motel
    - k. Escort Agency
    - l. Sexual Encounter Center
    - m. Any Combination of the Foregoing
  - 3. Definitions. As used in this section, the following terms shall have the indicated meanings:
    - a. Adult Motion Picture Theater. Any establishment used for presenting motion pictures, videos or live performances distinguished or characterized by an emphasis on matter or actions depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.

- b. Adult Book or Video Store. Any establishment or part thereof having as a substantial or significant portion of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
- c. Specified Sexual Activities. Specified sexual activities are defined as:
  - 1) Human genitals in a state of sexual stimulation or arousal;
  - 2) Acts of human masturbation, sexual intercourse or sodomy;
  - 3) Fondling or other erotic touching of genitals, pubic region, buttock or female breast.
- d. Specified Anatomical Areas. Specified anatomical areas are defined as:
  - 1) Less than completely and opaquely covered:
    - a) Human genitals, pubic region, and
    - b) Female breast below a point immediately above the top of the areola; and
  - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- e. Cabaret. A cafe, restaurant, night club or bar where patrons are entertained by performers who dance or sing or play musical instruments.
- f. Adult Cabaret. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
- g. Massage. Means a method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
- h. Massage parlor. An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide relaxation or enjoyment to the recipient.
- i. Nude Artist and Photography Studios. Any building, structure, premises or part thereof which offers as a principal or secondary activity the providing of models to display "specified anatomical areas" as defined herein for artists, photographers or other persons for a fee or charge.
- j. Adult Smoking or Sexual Paraphernalia Store. An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug related substances.
- k. Open Dance Hall. An establishment where open public dancing by patrons is available with partners furnished by the establishment.

- l. Host or Hostess Establishment. Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- m. Sauna, Hot Tub or Other Similar Health or Body Improvement Enterprises. Establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and/or female customers with supervision or participation by employees or independent contractors of the business.
- n. Adult Motel. A hotel, motel or similar commercial establishment that:
  - 1) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and has a sign visible from the public right of way that advertises the availability of this adult type of photographic reproductions; or
  - 2) offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or
  - 3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
- o. Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- p. Escort Agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- q. Nudity or State of Nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- r. Semi-Nude. A state of dress in which clothing covers not more than the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state.
- s. Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - 1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - 2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

4. Any of the regulated uses enumerated herein are permitted only after a finding has been made by the Planning Commission at a public hearing, with notice published at least once not less than five nor more than fifteen days before the hearing in a newspaper of general circulation within the Township and notice mailed to all property owners within a 300 foot distance of the property line in question, stating the time, place, and purpose of the meeting, that the following conditions exist:
  - a. The property is located within only the B/I Business and Industrial District.
  - b. The property is located a minimum of 330 feet outside the boundary of all AR, R-1, R-2, and R-3 residential zoning districts and 330 feet from a residential use, regardless of the zoning for the residential use. This requirement may be waived if the applicant requesting the waiver files with the Township Clerk a petition which indicates approval of the waiver by 51 percent of those adult residents and owners of residentially zoned property within 300 feet of the property line of the proposed location. The petition form shall be one that is provided by the Township and the applicant shall also submit a list of addresses at which no contact was made.
    - 1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
    - 2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
    - 3) That the establishment of such use, or an additional use regulated under these provisions, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
    - 4) That all applicable state laws and local Ordinances will be observed.
  
5. Conditions and Limitations. Prior to the granting of any waiver as herein provided, the Township Board, on the recommendation of the Planning Commission may impose conditions or limitations on the establishments' location, construction, maintenance, or operation of the regulated use as may in its judgment be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled. Failure to follow such limitation or condition will act to immediately terminate any permit or license given.
  
6. Limit on Reapplication. No application for such a use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

**SECTION 13.5 DEVELOPMENT REQUIREMENTS.** The intent of this section is to regulate land development in the "B/I" Industrial District.

A. Yard and Lot Requirements:

1. Front Yard: There shall be a Front Yard of not less than fifty (50) feet.
2. Side Yards: There shall be Side Yards of at least twenty (20) feet each except that in the case of a Corner Lot there shall be a Side Yard of not less than thirty-five (35) feet on the Street side.
3. Rear Yard: There shall be a Rear Yard of not less than twenty-five (25) feet.
4. Lot Width and Area: The minimum Lot width and area shall be one hundred fifty (150) feet and forty thousand (40,000) square feet, respectively.

B. Landscape and Screening Requirements: Those Yards which front on any Street, with the exception of permitted Signs, paved driveways and parking areas, shall be used exclusively for the planting and growing of trees, shrubs, lawns and other landscaping designed, planted and maintained in an aesthetically pleasing manner. All other unpaved areas of the Lot shall either be landscaped or maintained in its natural state without permitting the development of nuisance conditions. Those Side or Rear Yards of any Lot in this Zoning District which abut any "A" Agricultural or "R" Residential District shall have and maintain a Greenbelt between said "A" or "R" District and the industrial use. Any permitted outside storage of materials shall be screened from the view of adjoining residential premises, premises in another Zoning District or from any public Street in the following manner:

1. A Greenbelt may be used for required screening; provided, however, that evergreen shrubs required in a Greenbelt shall be spaced and maintained in such a manner that on maturity, the crown of said shrubs is not more than one (1) foot apart and are of sufficient height to completely cover the materials screened thereby.
2. An artificial wall or fence may also be used for required screening; provided, however, that such wall or fence shall be of sufficient density or compactness and height to completely cover the materials screened thereby and shall not be less than five (5) feet in height.
3. No aforementioned screening device shall be located closer than ten (10) feet to any adjoining Street right-of-way line.

C. Sign Requirements. Reference Section 24.15.

D. Maximum building and structure height: fifty (50) feet (Reference Sec. 3.23 for exceptions).

## CHAPTER 14 "I-2" PLANNED INDUSTRIAL DISTRICT

**SECTION 14.1 STATEMENT OF PURPOSE.** The purpose of the I-2 Planned Industrial District is to establish a zoning district where a more select category of industrial and business uses may locate in an industrial park or an industrial park like setting. The regulations have been established to provide a positive operating environment for industry, protected from encroachment of commercial and residential uses and incompatible industries, while at the same time reducing to a minimum, industries' impact on surrounding non-industrial uses.

**SECTION 14.2 PRINCIPAL PERMITTED USES.** In the I-2 District, only the following uses may be permitted unless otherwise provided in this Ordinance:

- A. Manufacturing, extrusion compounding, processing, packaging, treating, and assembling from previously prepared materials in the production of:
  - 1. Food products including meat, dairy, fruit, vegetable, seafood, grain, bakery, confectionery, beverage and kindred foods.
  - 2. Textile mill products including woven fabric, knit goods, dyeing, and finishing, floor coverings, yarn and thread and other textile goods.
  - 3. Apparel and other finished products made from fabrics, leather goods, fur, canvas and similar materials.
  - 4. Wood products including millwork, prefabricated structural wood products and containers.
  - 5. Furniture and fixtures.
  - 6. Paperboard containers, building paper, building board, and bookbinding.
  - 7. Printing and publishing.
  - 8. Chemical products such as plastics, perfumes, synthetic fibers.
  - 9. Engineering, measuring, optic, medical, lenses, photographic, and similar instruments.
  - 10. Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades, and similar manufacturing.
  - 11. Electronic equipment.
  - 12. Automobiles, automobile and equipment parts and accessories appliance parts, metal part, stamping.
  - 13. Heating, cooling and electrical systems and components, including sheet metal work
- B. Dry cleaning and laundry plants.
- C. Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, furnishings, and lumber and building products.
- D. Warehouses, cartage businesses.
- E. Laboratories including experimental, film, and testing.
- F. Municipal buildings, public service buildings, essential services.
- G. Tool and Die manufacturing and machine shops.
- H. Electrical substations, electrical switching stations, electrical transmission lines, and pressure control stations or substations for gas, water and sewage.
- I. Office buildings for any of the following: executive, administrative, professional, accounting, clerical or stenographic, and drafting.

- J. Offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator, taxidermist, exterminator, or similar trade subject to the following conditions:
  - a. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
  - b. The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
  - c. There shall be no outside storage and/or display of materials or goods of any kind.
- K. Power generation provided by solar energy equipment/systems, wind turbines, coal, or other means for off-site power consumption only.
- L. Accessory buildings and uses customarily incidental to the above permitted uses.

**SECTION 14.3 SPECIAL USES PERMITTED.**

- A. Financial Institutions (Banks, Savings and Loans or Credit Unions).
- B. Retail sales of goods where such sale is clearly incidental and accessory to the primary use and where the area devoted to retail sales does not exceed five (5) percent of the total floor area or 2,000 square feet (whichever is greater).
- C. Radio and television towers.
- D. Child care centers where such use is clearly incidental and accessory to the primary use. Freestanding child care centers.
- E. Uses similar to those listed in Sec. 13.2, A as determined by the Zoning Board of Appeals.

**SECTION 14.4 USES PROHIBITED.** Notwithstanding other provisions of this Ordinance, the following uses listed are expressly prohibited in the I-2 District.

- A. Fuel, petroleum or waste oil storage yards.
- B. Contractors and building materials storage yards.
- C. Grist mills, saw mills.
- D. Lumber yards.
- E. Stock yards.
- F. Stonework and cement or asphalt plants.
- G. Junk yards/salvage yards.
- H. Auto body and auto paint and repair facilities.

**SECTION 14.5. AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.**

Area, height, bulk and placement requirements are as provided below unless otherwise specified.

- A. Minimum lot size: 80,000 square feet.
- B. Minimum lot width: 200 feet as measured at the street right of way line or in the case of a cul-de-sac or curved streets, at the nearest point of building setback. In any case, the required minimum lot width shall be provided within 150 feet of the street right of way and shall be maintained throughout the remainder of the lot's depth. Corner lots shall have the minimum required frontage on both streets.



- C. Maximum building and structure height: fifty (50) feet (Reference Sec. 3.23 for exceptions).
- D. Minimum front yard setback:
  1. The minimum front yard setback for lots fronting on a street having less than 86 feet of right of way width, shall be 100 feet.
  2. The minimum front yard setback for lots fronting on a street meeting the platted commercial and industrial street standards of the Ottawa County Road Commission, or other street having a right of way width of 86 feet or more, shall be 75 feet.
  3. Corner and double frontage lots: Each lot line which abuts a street (public or private) shall be a front lot line. The above front yard requirements and all other front yard requirements or limitations as contained or referenced herein shall apply to both front yard areas, except that a lot adjoining a limited access highway to which the lot does not have direct access shall be considered a side or rear yard for the purpose of establishing building setback.
- E. Minimum side yard and rear yard setback: 35 feet. An additional 1 foot of side and rear yard setback shall be required for each additional foot of building height above 30. Notwithstanding the above, the minimum side and rear yard setback along any property line abutting a residentially zoned property (AR, R-1, R-2, R-3) shall be no less than 50 feet.
- F. Maximum lot coverage: The maximum building coverage on any lot shall be 40%, consisting of one principal building and customary accessory buildings.
- G. Buffer yards and Greenbelts: As required under Chapter 26.
- H. Fire lanes: Fire lanes as may be necessary for fire safety shall be located between the building wall and the required buffer yards.
- I. Storm water management: Each site shall be developed with an enclosed storm water collection system. On site storm water retention shall be required. All roof drains shall be connected to the enclosed storm water collection system. Where appropriate, site drainage will be connected to established County drains as determined by the Ottawa County Drain Commission. All such facilities not directly governed by the Ottawa County Drain Commission shall be designed to the subdivision drainage rules of the Ottawa County Drain Commission and reviewed and approved by Jamestown Charter Township as part of site plan approval.

**SECTION 14.6. DEFERRED PARKING SPACE.** To avoid unnecessary parking space construction while still ensuring site adequacy for potential changes in the use of a building or premises, the Planning Commission shall have the authority at the time of site plan approval, to defer construction of the required number of parking spaces for industrial or office uses.

- A. Deferred parking may be granted if the following conditions are satisfied.  
An application is filed requesting approval of a deferred parking plan. In addition, the site plan filed for approval shall include the entire project area and illustrate the design and layout of all required parking areas including areas proposed for deferred parking. The ultimate design of

the parking area shall include sufficient space to provide for the total parking area as required in above Section 21 Off-Street Parking and Loading.

1. The area designated for deferred parking shall not include any area required for front, side or rear yards, buffer yards or land otherwise unsuitable for parking due to environmental or physical conditions.
  2. The maximum deferral allowed shall not result in less than 1 space for each employee to be on premises at any one time or 50% of the number of spaces otherwise required based on the applicable gross floor area calculation contained in Section 21.
  3. The applicant demonstrates to the Planning Commission that their business requires fewer parking spaces than that required in Section 21.
- B. Revocation. The Planning Commission may, based on observation of regular parking deficiency for a business for which a deferral was granted, require the construction of some or all of the deferred parking spaces. Such parking shall be constructed within 6 months of being served notice by the Zoning Administrator.

**SECTION 14.7. BUILDING MATERIALS STANDARDS.** It is intended that industrial buildings be both attractive and functional. The architecture of each building (building color, materials, finishes and form) should harmonize and integrate with the character of other buildings in the district.

- A. All office facades and at least thirty-five (35%) percent of any other wall surface facing a public or private street shall be constructed of face brick, stone, fluted cement, cut stone, split face block, scored architectural block, native field stone, cast stone, granite, marble, ceramic tile, glass or glass block, or EIFS materials. Wood may be utilized for decorative and non-structural porticos, canopies and other attachments. Cement and cinder block front facades are prohibited. Any other block or building materials not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high quality image to those traveling through the Township.
- B. Exterior walls facing a public or private street or customer, visitor or vendor parking area, shall contain at least four (4) vertical feet or greater of the same type of materials as used on the front façade of the building which are identified in Section 14.7A, for the entire width of the exterior walls; provided, however, that the use of such materials shall only be required for the length and to the extent of customer, visitor or vendor parking when the wall does not face a public or private street.
- Exterior walls facing a public or private street or customer, visitor, or vendor parking area shall contain a minimum of five percent (5%) glass windows, and or contain varying rooflines, building lines, recesses, projections, wall insets, arcades, architectural accents or other building materials, exclusive of the four (4) foot vertical façade required by this subsection.
- C. Meter and utility boxes, dumpsters, mechanical equipment, and similar types of equipment, shall not be located on the front or side of the building that faces residentially-zoned or used property, or public or private streets, unless the Planning Commission determines that it is not reasonably possible to locate such boxes and equipment at that location for one of more specific reasons.

- D. The provisions of Section 14.7 shall not apply to an existing building unless more than fifty percent (50%) of the exterior of the building is modified or the floor area of the building is modified by more than sixty percent (60%).

**SECTION 14.8. LANDSCAPE REQUIREMENTS.** Ref Chapter 26.

**SECTION 14.9 OPEN STORAGE.** The outdoor storage of materials and product for any use permitted herein shall be incidental only and shall not be located in any yard facing a street. All open storage shall be within fifteen feet of the building wall and screened from all streets and property lines by an opaque screen or fence which is at least two (2) feet taller than the material being stored. No such storage shall constitute a fire hazard, obstruct on-site vehicle circulation or fire fighting capabilities.

**SECTION 14.10. REQUIRED UTILITIES.** All uses permitted in this district shall be required to be served by public water and sewer utilities.

**SECTION 14.11. PERFORMANCE STANDARDS.** Before the issuance of any building or occupancy permit, the applicant shall agree in writing that the use of the property will meet the following performance standards, that any violation of these standards will be corrected and that the costs of expert inspection for compliance shall be borne by the applicant.

- A. Fire and explosion hazards. All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the state department of labor to a use on an adjacent property. Flammable liquids other than fuels used for heating shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks provided;
  - 1. Such storage building is not closer than one hundred (100) feet to any building occupied by one (1) or more humans.
  - 2. Every factory, warehouse, or manufacturing building permitted in the industrial area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the Zoning Administrator and the chief of the fire department as being sufficient in view of the nature and extent of the fire risk.
- B. Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors, or any other atmospheric pollutant, which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
- C. Liquid or solid waste. The discharge of untreated industrial waste into a reservoir, pond, lake or stream is prohibited. All methods of salvage and industrial waste treatment and disposal shall be approved by the county and state health departments. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise pollute the stream in any way.
- D. Vibration. There shall be no vibration, which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

- E. Noise. There shall be no noise emanating from the operation which will be more audible beyond the boundaries of the immediate site than sixty-five (65) Ldn (weighted average day/ night sound level in decibels).

**SECTION 14.12. PERMITTED SIGNS.** Reference Section 24.15.

**SECTION 14.13. GENERAL LIGHTING, SCREENING AND FENCING REQUIREMENTS.**

- A. The design and placement of outdoor lighting shall be such that light is shielded and directed downward and away from adjoining parcels and roadways. Total illumination shall be the minimum necessary to provide for safety and security of persons and property on site. There shall be no direct or sky-reflected glare exceeding one and one-half (1-1/2) foot candles or which would be damaging to the human eye measured at the property line of the lot occupied by such use.
- B. Perimeter fencing may be allowed in the side or rear yard only, and shall not exceed 8 feet in height. Fencing shall be placed on the common property line or a minimum of 10 feet from the property line.

## CHAPTER 15 32<sup>ND</sup> AVENUE/M-6 CORRIDOR OVERLAY ZONE

### SECTION 15.1. STATEMENT OF PURPOSE.

The purpose of the 32<sup>nd</sup> Avenue/M-6 Corridor Overlay District is to establish regulations to provide orderly commercial development along those areas of roadway, to encourage the most appropriate use of adjacent lands and to promote the safe and efficient movement of traffic. These roadways help establish an image of the quality of life in the Township for visitors and residents alike. Preservation of the character is required to enhance trade, capital investment and the general welfare. In this regard, the regulations set forth in this Chapter are an integral part of the Township's overall efforts to maintain and enhance the character and appearance of the Township. These regulations also facilitate the adequate provision of transportation by promoting the safe and efficient movement of traffic and by encouraging development that reduces or eliminates visual clutter and poor site layout.

Specifically the Corridor Overlay District is intended to:

- A. Accommodate a variety of uses permitted by the underlying zoning district and ensure such uses are designed to achieve an attractive built and natural environment.
- B. Provide architectural and site design standards that are of a higher quality than required elsewhere in the Township in order to promote harmonious development and complement the natural characteristics of the Township.
- C. Promote public safety and efficient flow of vehicular traffic by minimizing conflicts from turning movements resulting from the proliferation of unnecessary curb cuts and driveways.
- D. Ensure safe access by emergency vehicles.
- E. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
- F. Preserve the capacity of roads in the Corridor Overlay District by limiting and controlling the number and location of driveways, and requiring alternate means of access through shared driveways, service drives and access via cross streets.
- G. Reduce the number and severity of crashes by improving traffic operations and safety.
- H. Require coordinated access among adjacent lands where possible.
- I. Provide landowners with reasonable access, which may be restricted to a shared driveway, service drive, or via a side street.
- J. Require demonstration that prior to approval of any land divisions, the resultant parcels are accessible through compliance with the access standards herein.
- K. Ensure that distractions to motorists are minimized by avoiding blight and clutter while providing property owners and businesses with appropriate design flexibility and visibility.
- L. Establish uniform standards to ensure fair and equal application.

**SECTION 15.2 APPLICABILITY.** As an overlay district, the 32<sup>nd</sup> Avenue/M-6 Corridor Overlay District does not replace or restrict the range of uses allowed in the underlying general use district or special use district classification for the property, but provides additional development options and standards which must be met for any commercial uses on the property. All commercial and industrial development within this overlay districts shall comply with the regulations of this Chapter. Except as otherwise provided in this Section, the regulations herein apply to all lands located partially or completely within the 32<sup>nd</sup> Avenue/M-6 Corridor Overlay District identified on the zoning map, which includes the parcels listed within section 15.9. These areas shall be referred to herein as the “Corridor Overlay District.” In this district, the following rules shall apply:

- A. Agricultural uses and single-family dwellings within the Corridor Overlay District are exempt from these overlay district regulations set forth in this Chapter.
- B. No building or structure shall be erected, enlarged or maintained on a site in the Corridor Overlay District, if the site is subject to site plan review pursuant to Chapter 17 of the Zoning Ordinance, unless all of the Corridor Overlay District Regulations of this Chapter are met and maintained in connection with such building or structure.
- C. A site plan must be submitted to the Planning Commission for any change in use to any use other than a single family dwelling or an agricultural use.
- D. For building or parking lot expansions or changes in use that require site plan approval by the Planning Commission, the site shall be brought into compliance with the standards of this Chapter.
- E. Where the standards of this Corridor Overlay District are more restrictive, as determined by the Zoning Administrator, such standards replace those that apply to the underlying zoning district outside the Corridor Overlay District. For example, if the underlying zoning district illustrated on the Township Zoning Map is C-2, the uses listed as permitted in Section 11.3 are permitted for that lot, but the access, landscaping, setbacks, freestanding signs and building architecture must comply with the provisions of this section.
- F. No land division shall be approved within the Corridor Overlay District unless the proposed division complies with the transportation access spacing standards of this section.
- G. Proposed PUDs within the Corridor Overlay District shall generally be consistent with the standards herein, but may be modified by the Planning Commission or the Township Board when found harmonious with the purpose of this Chapter.

**SECTION 15.3 PERMITTED AND SPECIAL USES.**

Permitted and special land uses within the Corridor Overlay Districts shall be as regulated in the underlying zoning district (as designated on the Zoning Map) with the following additional provisions:

- A. To ensure adequate information is provided to evaluate the impact on traffic operations, any permitted use that is expected to generate fifty (50) peak hour directional trips or one hundred (100) peak hour trips (in and out) or one thousand (1000) trips during a typical day shall be classified as a special land use. Calculations of trips shall be based on the most recent edition of Trip Generation published by the Institute of Transportation Engineers. The applicant shall

be responsible for providing the traffic calculations for review. Where no information is provided the Township shall make the determination using a transportation engineer of their choosing at the applicant's expense.

- B. The use and site design shall comply with the standards of this section and other applicable regulations of the Corridor Overlay District.
- C. Replacement of any overhead utility lines or installation of any new overhead utilities shall require a separate special land use permit.
- D. For special land uses, the following standards shall apply in addition to the standards within Chapter 17 and Chapter 18 of this Ordinance:
  - 1. The building and site design will complement the existing and desired character within the Corridor Overlay District.
  - 2. The number of access points will be restricted to the fewest needed to allow motorists reasonable access to the site.
  - 3. Provision will be made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the Ottawa County Register of Deeds.
  - 4. Traffic impacts associated with the proposed use will be accommodated by the road system without degradation in the level of service, as defined in the Highway Capacity Manual published by the Transportation Research Board of the National Academies, below one grade (example from B to C) but in no case shall any movement(s) be projected at a level of service below D, unless improvements are being made to address the impacts.

#### **SECTION 15.4 SUBMITTAL INFORMATION.**

In addition to the submittal information required for site plan review in Chapter 17 of this Ordinance, the following shall be provided with any application for site plan or special land use review. The information listed in subsections A through D below shall be required with any request for a land division.

- A. Existing access points. Existing access points within five hundred (500) feet of the road frontage of the lot, on both sides of any adjoining roads, shall be shown on the site plan or on a separate plan sheet.
- B. Information on sight distance. The applicant shall submit evidence indicating that the sight distance requirements of the Ottawa County Road Commission, as applicable, are met.
- C. Dimensions between proposed and existing drives and intersections.
- D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, the agreement shall be recorded with the Ottawa County Register of Deeds.

- E. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers) and all curb radii within the site.
- F. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
- G. Traffic impact study. Submittal of a traffic impact study may be required for any proposed land use that would be expected to generate one hundred (100) or more vehicle trips during any peak hour, or one thousand (1000) or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies.
- H. Building elevations. Elevation drawings shall be submitted illustrating the building design and height, and describing construction materials for all proposed structures. Elevations shall be provided for all sides visible from an existing or proposed public street or visible from a property located within a residential district. Color renderings of the building shall be submitted for Planning Commission review. Proposed materials and colors shall be specified on the plan and color chips or samples may also be required at the time of site plan review. These elevations, colors and materials shall be considered part of the site plan.
- I. Sign Design Details. Information shall be provided on all proposed signs, including details on the base materials and landscaping around the base.
- J. Parking Information. A parking study shall be required wherever requested parking or paved areas exceed the minimum required by this Ordinance.

**SECTION 15.5 ACCESS STANDARDS.**

Access points (not including driveways that serve a single family home, duplex, agricultural activity or essential service facility structure) shall meet all of the requirements of Chapter 25, Access Management Regulations of this Ordinance.

**SECTION 15.6 LANDSCAPING AND OVERALL SITE DESIGN.** Design elements shall comply with the applicable regulations within the Zoning Ordinance, with the following additional requirements.

- A. Where practical, existing trees along the right-of-way that are in good health and over three inches in caliper shall be preserved.
- B. Landscaping shall be provided along walls to reduce the visual impact of building mass as viewed from the street.
- C. Retention, detention and the overall storm water system shall be designed to use "best management practices" and create the appearance of a natural pond or feature including gentle (5:1) or varying side slopes, irregular shapes, water tolerant grasses and seed mixes at



the bottom of the pond/basin; appropriate flowers, shrubs and grasses along the banks based on environment (wet, dry, sedimentation basin v. pond) to improve views, filter runoff and enhance wildlife habitat.

- D. Loading and service bay doors shall not face a public street. Such doors shall be in the rear yard of the site. Where this is not practical, location within the side yard may be permitted by the Planning Commission provided that additional walls and landscaping are provided, and/or such areas are recessed, to minimize the negative visual impact.
- E. Curbs must be used throughout the parking lot and paved areas. The Planning Commission may grant an exception on a finding that overall storm water disposition will be enhanced without the construction of a curb in limited locations.
- F. If a monument sign is provided, the size of the sign may be increased by ten percent (10%) above that otherwise permitted if the sign base materials match the building, and foundation plantings are provided around the sign base.
- G. Fences. Any fence must be shown on the site plan, including details of materials and color. Fences shall be durable and decorative in nature. Chain link fences shall only be approved for a location not generally visible to the public or dwelling unit occupants. Any visible segments of fence shall be vinyl coated with additional landscaping provided to screen the view.
- H. Parking lot deferment (banking). Where the property owner can demonstrate or the Planning Commission finds that the required amount of parking is excessive for the particular use, the Planning Commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this Chapter is retained as open space, and the owner agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Township. A written legal agreement, which has been approved by the Township Attorney, to construct the deferred parking shall be provided by the applicant. The Township shall require posting of cash or an irrevocable letter of credit to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found necessary. The site plan shall note the area where parking is being deferred, including dimensions and a striped parking lot layout.
- I. Overhead Utility lines. All utility lines shall be buried. Placement of any additional overhead utilities or replacement of existing overhead utilities shall require special land use approval.
- J. Bicycle Pathways. Where the site abuts an existing bicycle pathway, or is along a segment where a pathway within the public right-of-way is planned by the Township, a bicycle pathway shall be provided along the road frontage within the public right-of-way. The Planning Commission may also require internal safety paths during the site plan review process.

#### **SECTION 15.7 COMMERCIAL, OFFICE AND INSTITUTIONAL ARCHITECTURE.**

- A. All proposed commercial development shall utilize quality architecture to ensure a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.

- B. The applicant and the applicant's design professionals are encouraged to submit or present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. This can include sketches, photographs or other graphic materials.
- C. Commercial, office, and institutional architecture shall be reviewed by the Planning Commission as a part of site plan review under the following criteria:
1. Buildings shall possess architectural variety, but shall also promote the desired character in the Corridor Overlay District.
  2. Buildings shall be consistent with the scale and proportion of existing structures in the Corridor Overlay District.
  3. A minimum of eighty percent (80%) of the exterior finish material of all building facades (excluding the roof) visible from the public street, private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of facing brick, cut stone, split face block, fluted block, scored block, native field stone, cast stone, or wood with an opaque or semi-transparent stain, or bleaching oil. Any other block, or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features and promotes a high quality image to those traveling through the Township.
  4. Exterior Insulation and Finishing Systems (EIFS) materials shall not be the primary building material. The remaining maximum twenty (20) percent of the facade may utilize other materials for architectural detailing such as fiberglass reinforced concrete, polymer plastic (fypon) or EIFS. The Planning Commission may permit other materials for facades not visible from a public street that are adequately screened from adjoining land uses.
  5. Commercial, office or institutional buildings that currently utilize EIFS materials as the primary building material and which are being renovated or expanded, or which are simply being maintained on a site which is subject to site plan review, may continue to use EIFS, if the Planning Commission determines it will be compatible with the surrounding properties. In such cases where EIFS is used as the primary building material for a renovation or expansion, other materials such as brick, stone or decorative block shall be used for architectural detailing.
  6. Front building facades shall provide a minimum fifteen percent (15%) glass windows but shall not exceed eighty percent (80%) glass. Calculations are exclusive of the roof area.
  7. Building materials and colors shall be related and harmonious with the surrounding area.
  8. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle colors shall be used for roofing material. Metal roofs shall only be permitted if compatible with the overall character

of the building, and architectural elements are used to significantly reduce the roof mass when viewed from the street.

9. Buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, peaked rooflines, or towers.
  10. Building walls over one-hundred feet (100) feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, updated projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees.
  11. Building entrances shall utilize windows, canopies, and/or awnings; provide unity of scale, texture, and color; and provide a sense of place.
  12. Rooftop equipment shall be illustrated on the plans, and shall be screened from view by parapet walls or other architectural elements that complement the overall building design.
  13. Building rear facades shall be constructed to a finished quality comparable to the front facade where visible to a public street or residential district or use.
  14. Any interior play place associated with a restaurant or lodging facility shall be designed in accordance with the above standards.
  15. Overhead canopies for gas stations or other uses shall be designed to be compatible with the architectural characteristics of the principal building such as peaked roofs, shingles, support structures that match or simulate materials of the principal building, lighting fixtures fully recessed into the canopy and in neutral colors.
  16. Any neon lights must be shown and found to be complementary to the overall design of the building and approved as part of the site plan approval. Neon lights proposed to be used as an architectural detail shall be indicated on the building elevation and must be specifically found to be compatible with surrounding properties by the Planning Commission.
- D. Any person claiming to be aggrieved by a decision of the Planning Commission pursuant to Section 15.7 above may appeal that decision to the Township Zoning Board of Appeals (ZBA), if the decision is the sole reason for the person being denied site plan or Special Land Use approval by the Planning Commission. Any such appeal shall be the exclusive remedy for the aggrieved person and must be filed with the Township Clerk within ten (10) days of the decision by the Planning Commission from which the appeal is taken. The appeal must be based on the same documentation previously submitted to the Planning Commission, not on any revised documentation. The ZBA shall then consider the appeal, applying the same standards set forth in section 15.7 using the same procedure as was used by the Planning Commission (e.g., if the Planning Commission held a public hearing, the ZBA shall hold a public hearing with the same notice requirements as were used for the Planning Commission public hearing). The ZBA may affirm, reject or revise the Planning Commission decision only with respect to Section 15.7. If the ZBA rejects or revises the Planning Commission decision on the site plan or Special Land Use application with respect to Section 15.7, the Planning Commission shall then reconsider its

decision on the site plan or Special Land Use Application. However, in its reconsideration, the Planning Commission shall accept the ZBA decision on the appeal described in this subsection.

#### **SECTION 15.8 INDUSTRIAL ARCHITECTURE.**

- A. All proposed industrial buildings should be designed to be compatible with surrounding uses, protect the investment of adjacent landowners, blend harmoniously with site features and promote a high quality image to those traveling through the Township.
- B. A minimum of fifty percent (50%) of the exterior finish material of all building facades (excluding the roof) visible from a public or private street, parking lot or adjacent residentially zoned land, exclusive of window areas, shall consist of face brick, glass or glass block, cut stone, split face block, scored architectural block, native field stone, cast stone, granite, marble, ceramic tile, EIFS materials, or wood with an opaque or semi-transparent stain, or bleaching oil. Cement or cinder block front facades are prohibited. Any other block or building material not specifically listed may be reviewed and approved by the Planning Commission if the material is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously with the natural features, and promotes a high quality image to those traveling through the Township.
- C. Exterior walls facing a public or private right-of-way or customer, visitor or vendor parking area, shall contain at least four (4) vertical feet or greater of the same type of materials as used on the front façade of the building and identified in Section 15.8B for the entire width of the exterior walls; provided, however, that the use of such materials shall only be required for the length and to the extent of customer, visitor or vendor parking when the wall does not face a public or private street.
- D. Exterior walls facing a public or private right-of-way or customer, visitor, or vendor parking areas shall contain a minimum of five percent (5%) glass windows, and or contain varying rooflines, building lines, recesses, projections, wall insets, arcades, architectural accents or other similar architectural variation or details, exclusive of the four (4) foot vertical façade required by subsection 15.8C.
- E. Buildings shall be consistent with the scale and proportion of existing structures in the Corridor Overlay District.
- F. Building walls over one hundred (100) feet in length shall be broken up with items such as varying rooflines, varying building lines, recesses, projections, wall insets, arcades, windows, architectural accents, bands of complementary building materials and trees. The Planning Commission may waive this requirement for walls that are effectively screened from view by other buildings, landscaping or woodlands.
- G. In the case of roof top equipment, all site plans shall include exterior wall parapets, which shall be a minimum of four feet high, measured vertically up from the roof top to which the equipment is stationed. All building exterior elevation plans must include these parapet walls to screen any existing or future roof top equipment.
- H. Meter and utility boxes, dumpsters, mechanical equipment, and similar types of equipment, shall not be located on the front or side of the building that faces residentially-zoned or used property, or public or private streets unless the Planning Commission determines that it is not

reasonably possible to locate such boxes and equipment at that location for one or more specified reasons.

- I. The provisions of Section 15.8 shall not apply to an existing building unless more than fifty percent (50%) of the exterior of the building is modified or the floor area of the building is modified by more than sixty percent (60%).
- J. The applicant and the applicant’s design professionals are encouraged to submit or present architectural concepts and alternatives at a study session with the Planning Commission to receive comments on compliance with the guidelines prior to preparation of detailed design drawings. These concepts and alternatives may include sketches, photographs or other graphic materials.
- K. Any person claiming to be aggrieved by a decision of the Planning Commission pursuant to Section 15.8 above may appeal that decision to the ZBA, if the decision is the sole reason for the person being denied site plan or Special Land Use approval by the Planning Commission. Any such appeal shall be the exclusive remedy for the aggrieved person and must be filed with the Township Clerk within ten (10) days of the decision by the Planning Commission from which the appeal is taken. The appeal must be based on the same documentation previously submitted to the Planning Commission, not on any revised documentation. The ZBA shall then consider the appeal, applying the same standards set forth in Section 15.8 above and using the same procedure as was used by the Planning Commission (e.g., if the Planning Commission held a public hearing, the ZBA shall hold a public hearing with the same notice requirements as were used for the Planning Commission public hearing). The ZBA may affirm, reject or revise the Planning Commission decision only with respect to Section 15.8. If the ZBA rejects or revises the Planning Commission decision on the site plan or Special Land Use application with respect to Section 15.8, the Planning Commission shall then reconsider its decision on the site plan or Special Land Use Application. However, in its reconsideration, the Planning Commission shall accept the ZBA’s decision on the appeal described in this subsection.

**SECTION 15.9 PARCELS WITHIN THE DISTRICT** The following parcels are included within the 32nd Avenue/M-6 Corridor Overlay District.

70-18-01-100-011	70-18-02-200-041	70-18-09-100-017	70-18-09-115-020	70-18-09-165-029
70-18-01-100-035	70-18-02-200-042	70-18-09-100-021	70-18-09-115-010	70-18-09-165-033
70-18-01-100-037	70-18-02-200-043	70-18-09-100-029	70-18-09-115-013	70-18-09-165-014
70-18-01-100-044	70-18-02-200-044	70-18-09-100-049	70-18-09-115-044	70-18-09-165-042
70-18-01-100-049	70-18-02-300-003	70-18-09-100-050	70-18-09-115-007	70-18-09-165-022
70-18-01-100-051	70-18-02-400-014	70-18-09-115-047	70-18-09-115-021	70-18-09-165-023
70-18-01-100-056	70-18-02-400-016	70-18-09-115-006	70-18-09-115-004	70-18-09-165-017
70-18-01-100-057	70-18-02-400-021	70-18-09-115-032	70-18-09-115-003	70-18-09-165-016
70-18-01-100-058	70-18-02-400-022	70-18-09-115-049	70-18-09-115-035	70-18-09-165-046
70-18-01-100-060	70-18-02-400-023	70-18-09-115-039	70-18-09-115-023	70-18-09-165-018
70-18-01-100-062	70-18-02-400-024	70-18-09-115-040	70-18-09-165-003	70-18-09-165-037
70-18-01-100-064	70-18-02-400-025	70-18-09-115-002	70-18-09-165-047	70-18-09-165-025
70-18-01-100-070	70-18-02-400-036	70-18-09-115-033	70-18-09-165-044	70-18-09-165-006
70-18-01-100-072	70-18-02-400-037	70-18-09-115-022	70-18-09-165-027	70-18-09-300-001
70-18-01-100-075	70-18-02-400-038	70-18-09-115-011	70-18-09-165-008	70-18-09-300-003
70-18-01-100-076	70-18-02-400-040	70-18-09-115-005	70-18-09-165-035	70-18-09-300-009

70-18-01-100-077	70-18-04-300-010	70-18-09-115-041	70-18-09-165-038	70-18-09-300-010
70-18-01-100-078	70-18-04-300-020	70-18-09-115-025	70-18-09-165-043	70-18-09-300-018
70-18-01-100-082	70-18-04-300-026	70-18-09-115-036	70-18-09-165-015	70-18-09-300-022
70-18-01-300-012	70-18-04-300-027	70-18-09-115-015	70-18-09-165-034	70-18-09-300-025
70-18-01-300-018	70-18-04-301-028	70-18-09-115-029	70-18-09-165-007	70-18-09-300-026
70-18-01-300-019	70-18-05-400-023	70-18-09-115-050	70-18-09-165-026	70-18-09-300-028
70-18-01-300-030	70-18-05-497-007	70-18-09-115-038	70-18-09-165-031	70-18-09-300-029
70-18-01-300-033	70-18-05-497-008	70-18-09-115-042	70-18-09-165-045	70-18-09-300-030
70-18-01-300-034	70-18-05-499-001	70-18-09-115-031	70-18-09-165-009	70-18-09-300-031
70-18-01-300-042	70-18-05-499-002	70-18-09-115-014	70-18-09-165-028	70-18-11-200-003
70-18-01-300-043	70-18-05-499-003	70-18-09-115-019	70-18-09-165-048	70-18-11-200-022
70-18-01-300-045	70-18-05-499-004	70-18-09-115-037	70-18-09-165-019	70-18-11-200-023
70-18-01-300-046	70-18-05-499-005	70-18-09-115-009	70-18-09-165-041	70-18-11-200-034
70-18-01-300-047	70-18-05-499-007	70-18-09-115-018	70-18-09-165-013	70-18-11-200-035
70-18-01-300-048	70-18-05-499-008	70-18-09-115-048	70-18-09-165-032	70-18-12-100-001
70-18-01-300-049	70-18-08-200-009	70-18-09-115-012	70-18-09-165-005	70-18-12-100-013
70-18-01-300-051	70-18-08-200-010	70-18-09-115-008	70-18-09-165-024	70-18-12-100-014
70-18-01-300-053	70-18-08-200-011	70-18-09-115-001	70-18-09-165-036	70-18-12-100-026
70-18-01-300-054	70-18-08-200-017	70-18-09-115-026	70-18-09-165-011	70-18-12-100-027
70-18-01-300-055	70-18-08-200-028	70-18-09-115-034	70-18-09-165-039	
70-18-01-300-056	70-18-08-231-001	70-18-09-115-027	70-18-09-165-002	
70-18-01-300-059	70-18-08-231-002	70-18-09-115-030	70-18-09-165-010	
70-18-01-300-060	70-18-08-231-003	70-18-09-115-017	70-18-09-165-030	
70-18-02-200-002	70-18-08-231-004	70-18-09-115-024	70-18-09-165-021	
70-18-02-200-016	70-18-08-231-005	70-18-09-115-045	70-18-09-165-004	
70-18-02-200-022	70-18-08-400-006	70-18-09-115-028	70-18-09-165-012	
70-18-02-200-024	70-18-08-400-007	70-18-09-115-043	70-18-09-165-040	
70-18-02-200-037	70-18-08-400-009	70-18-09-115-016	70-18-09-165-020	
70-18-02-200-039	70-18-09-100-013	70-18-09-115-046	70-18-09-165-001	

CHAPTER 16 JAMESTOWN NEIGHBORHOOD OVERLAY ZONE

## CHAPTER 17 SITE PLAN REVIEW

### SECTION 17.1 SITE PLAN REVIEW.

The purposes of Site Plan Review are as follows: to determine compliance with the provisions of this Ordinance, to promote the orderly development of the Township, to prevent the depreciation of land values through uses or structures which do not give proper attention to siting or area protection, and to provide consultation and cooperation between the applicant and the Township Planning Commission in order that applicants may accomplish their objectives in the utilization of their land within the regulations of this Zoning Ordinance.

**A. Site Plan Review Required.** A site plan shall be submitted for review according to the provisions of this Chapter for all permitted and special land uses except the following:

1. Single family and two family dwelling units permitted by right on individual lots, in the AR, R-1, R-2 and R-3 zoning districts.
2. Residential and agricultural accessory buildings, not listed as Special Uses.
3. Non-residential accessory buildings less than eight hundred (800) square feet in area.
4. Single family homes requiring a special use permit, home occupations and service uses allowed in the AR District as special land uses, as well as outdoor ponds and farm manure lagoons and residential and agricultural accessory buildings. However, a sketch plan drawn to scale shall be provided. The sketch plan shall include the location, dimensions, and area of all structures and parking areas on the site; scale, north arrow, and date of drawing; property owner's name and address; and description of the nature of the home occupation. The exception to this section shall be applications filed under Section 6.4 O.

In the case of a site condominium, as defined in Section 27.2, site plan review and approval are required and such review and approval shall be conducted and completed as is provided in Chapter 27.

For purposes of site plan review of a private road in accordance with Section 3.29, an applicant for approval of a private road shall comply with the requirements of this Chapter and Section 3.29; provided, however, that in the event of a conflict between the application and submittal requirements for review of a private road by the Planning Commission pursuant to Section 3.29 and the provisions of Chapter 17 for site plan review, the provisions of Section 3.29 shall govern.

**B. Application Procedure**

1. Nine (9) copies of an application for site plan review shall be made to the Zoning Administrator along with a fee as required by Township Board resolution. The application shall, at a minimum, contain the following information:
  - a. The applicant's name, address and phone number.
  - b. Proof that the applicant is the owner of the property or has a legal or financial interest in the property, such as a purchase agreement.



- c. The name, address and phone number of the owner(s) of record if different than the applicant.
  - d. The address and/or parcel number of the property.
  - e. Project description, including as applicable, the number and size of structures and dwelling units, number of parking spaces, estimated number of employees, and other unique or descriptive features of the site or development.
  - f. A site plan as outlined in Subsection C.
2. The Zoning Administrator shall, within twenty-one (21) days, place the application on the agenda of the Planning Commission and forward copies of the application and site plan to the Planning Commission prior to the meeting date.

**C. Site Plan Content.** Unless specifically waived by the Zoning Administrator in consultation with the Planning Commission, each site plan submitted for review under this section shall be drawn at a minimum scale of 1"=200 and shall contain the following information:

- 1. Name of development and general location sketch showing major thoroughfares and site location.
- 2. Name, address and phone number of site owner(s), developer and site designer, including the professional seal of the designer if the use is to be available for use by or open to the public.
- 3. North arrow, scale, and date of original drawing and any revisions.
- 4. The area of the site in square feet and acres, excluding all existing and proposed rights-of-way. Property lines, dimensions, and building setback distances and dimensions of all structures and lot lines within one hundred (100) feet of the site shall also be indicated. If the parcel is a part of a larger parcel, boundaries of the total land holding should be shown.
- 5. Existing zoning of the site and all adjacent properties.
- 6. Existing and proposed topographic elevations at intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site. Ground elevations of all existing buildings, drives and parking lots, and any unusual surface conditions.
- 7. Direction of existing storm and water drainage and indication as to how storm water runoff will be handled.
- 8. Location of existing and proposed buildings; their intended use; the length, width and height of each building; and the square footage of each building.
- 9. Location of abutting streets, existing and proposed rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and all other nearby driveways. The centerline of road rights-of-way.

10. Location and size of all existing and proposed water and sanitary sewer lines, storm drainage lines, wells, fire hydrants, catch basins, septic tanks and drain fields and utility easements.
11. Proposed parking areas and access drives, showing the number and size of spaces, aisles, loading areas, and handicapped access ramps. Note the method of surfacing.
12. Location of all sidewalks, bike paths, and other pathways.
13. Location and size of walls, fences, greenbelts, or other screening provisions.
14. Landscape plan indicating type and size of all plant material, including all areas to be sod or seeded for grass.
15. Location and type of significant existing vegetation, water courses, and water bodies including county drains and manmade surface drainage ways, floodplains, and wetlands.
16. Building floor plans and architectural wall elevations. The height of all buildings or structures.
17. Location of all proposed accessory structures, including outdoor lighting fixtures, flagpoles, storage sheds, transformers, dumpsters or trash removal areas or devices, signs, and existing and proposed utility poles.
18. Location of all outdoor storage areas for materials and the manner in which materials are to be screened or covered.
19. If phased construction is to be used, each phase must be noted.
20. Notation of any variances or special use permits which are required, any non-conforming uses or structures, and any State or Federal permits which have been secured or may be necessary to secure.
21. Screening of all refuse containers as provided in Section 3.34.
22. The applicant shall demonstrate compliance with all MDEQ requirements.

D. (Reserved for future use)

E. **Standards**

1. **General.** The Planning Commission will review the site plan for compliance with the requirements of this Ordinance and with the following general standards:
  - a. The applicant may legally apply for site plan review.
  - b. All required information has been provided or waived.
  - c. The proposal conforms to all regulations of the zoning district in which it is located.

- d. All elements of the site plan must be harmoniously and efficiently organized in relation to topography, the size and shape of the lot, street access, adjoining uses of property and the character of buildings. The site must be developed to not impede the normal and orderly development of surrounding properties.
- e. The natural landscape will be preserved, insofar as practical by minimizing tree and soil removal and other topographic modifications.
- f. Natural resources will be preserved and protected. Organic, wet, or other soils which are not suitable for development will be undisturbed or will be modified in an acceptable manner.
- g. The development will not cause soil erosion or sedimentation problems.
- h. Drainage plans must be adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or overloading of water courses in the area.
- i. The proposed development must properly respect floodways and floodplains.
- j. The plan meets the specifications of the Township engineer for water supply, sewage disposal or treatment, storm drainage, and other public facilities.
- k. Attention will be given to the location, number and spacing of access points; to general interior parking and traffic circulation and the separation of pedestrian and vehicular traffic.
- l. All buildings must be arranged to permit emergency vehicle access by a practical means, and as may be required by Township fire department.
- m. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- n. All outdoor loading, unloading and storage areas which are visible from institutional or residential uses or districts or public thoroughfares, must be screened. Garbage and refuse must be contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- o. Site lighting must be designed to minimize effects on nearby properties and traffic.
- p. No phase of development will depend on a subsequent phase for adequate access, parking, public utility services, drainage, or erosion control.

**F. Issuance of a Building Permit.** The Zoning Administrator shall, on receipt of notice of approval from the Planning Commission and on application by the applicant, issue a building permit provided all other applicable Township regulations have been met.

**G. Amendment of Approved Site Plan.** A site plan may be amended on application and in accordance with the procedures and requirements provided in subsection B herein. Minor changes to a site plan may be made without following the procedures of subsection B, at the discretion of the Zoning Administrator. The Zoning Administrator shall require that a revised site plan drawing(s) be submitted showing the changes for purposes of record. The Zoning Administrator shall have the authority to determine if a proposed change is minor or major and if such change requires an amendment to an approved site plan. The Zoning Administrator shall report such decisions and the reasons for the amendment to the Planning Commission for notation in the minutes of the meeting at which the original action approving the site plan was taken.

**H. Modification of Plan During Construction.** All site improvements must conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator and the Planning Commission of any changes. If the applicant makes any changes during construction such changes are at the applicant's risk, without any assurances that the Zoning Administrator or Planning Commission will approve the changes. The Zoning Administrator or the Planning Commission, whichever is applicable, may require the applicant to correct the changes so as to conform to the approved site plan.

**I. As-Built Drawings**

1. The applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all other public appurtenances which were installed on a site for which a site plan was approved. The drawings shall be submitted to the Zoning Administrator.
2. The as-built drawings shall show, but shall not be limited to, precise information on the size, type and location of pipes: manholes, catch basins; valves, fire hydrants, tees and crosses; depth and slopes of drainage ditches and basins; and the location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
3. The as-built drawings shall show all work as actually installed and as field verified by a professional engineer or a representative thereof. The drawings shall be identified as "As-Built Drawings" in the title block of each drawing and shall be signed and dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional engineer.

**J. Phasing of Development.** The applicant may divide the proposed development into two or more phases. In such case, the site plan must show the entire property involved and clearly indicate the location, size, and character of each phase. Complete site plans for all phases of a project need not be provided at once. Subsequent final site plans may be submitted for review and approval for each phase as the project proceeds.

Each phase of a project must stand on its own; no phase may rely on the completion of any subsequent phases for parking, utilities, access or other element required by this Ordinance.

**K. Performance Guarantee.** The Planning Commission shall recommend to the Township Board an irrevocable letter of credit or cash in an amount equal to the estimated cost of a road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated cost of the improvements shall be determined by the applicant and that the applicant's estimate will be reviewed by the township's engineer for approval before the performance guarantee is deposited with the Township Clerk. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan. If not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Section have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and the balance, if any, shall be returned to the applicant.

**L. Fees.** Fees for the review of site plans and inspections as required by this Section shall be established and may be amended by resolution of the Township Board.

**M. Violation.** An approved site plan shall become part of the record of approval, and subsequent action relating to a site in question shall be consistent with the approved site plan, unless the Planning Commission agrees to such changes as provided in Subsection G. Any violation of these provisions, including any improvement not in conformance with the approved final site plan, shall be deemed a violation of this Ordinance.

## CHAPTER 18 SPECIAL USE REGULATIONS

**SECTION 18.1 STATEMENT OF PURPOSE.** Various land uses and activities possess unique characteristics which under certain environmental conditions existing within specified Zoning Districts require special limitations and controls to ensure compatibility with adjacent land uses, with the natural environment, and with existing and projected capacities of public services and facilities affected by such uses or activities and therefore have been designated as "special uses." The intent of this Chapter is to allow land to be used for such special uses within the intended Zoning Districts only after reasonable conditions have been imposed which are necessary to ensure that public services and facilities affected by said use will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources and energy, and to promote the use of land in a socially and economically desirable manner. With this in mind, no such designated special use shall be engaged in within the specified Zoning Districts unless a Special Use Permit has first been obtained from the Planning Commission in accordance with the conditions and requirements of this Chapter.

**SECTION 18.2 APPLICATION PROCEDURE.** The following procedures shall be followed in making application for a Special Use Permit.

- A. Written Application. A written application for a Special Use Permit is submitted to the Planning Commission indicating the following:
  - 1. The name, address and telephone number of the applicant; the address or brief description of the location of the property involving the proposed special use; and the date of application.
  - 2. A statement indicating the sections of this Ordinance under which the special use is sought and the grounds on which it is requested.
- B. Permit Fees. Fees for a Special Use Permit shall be made at the time of application in accordance with the fee schedule established by the Township Board.
- C. Site Plan Required. A Site Plan as defined in Chapter 17, Site Plan Review shall be submitted at the time of application.

**SECTION 18.3 PUBLIC HEARING.** The Planning Commission shall hold a public hearing on all applications for a Special Use Permit. Notice of the public hearing shall be as follows:

- A. Notice shall be published in a newspaper of general circulation in the area, and sent by mail or personal delivery to the owners of property for which the permit is being considered to all persons to whom real property has been assessed within three hundred (300) feet of the property lines involved in the special use, and to the occupants of all Structures within three hundred (300) feet of the property lines involved. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a Structure, except that if a Structure contains more than one (1) Dwelling Unit or spatial area owned or leased by different persons, one (1) occupant of each such unit or area shall receive notice. In the case of a single Structure containing more than four (4) Dwelling Units or other distinct spatial areas owned by different persons, notice may be given to the manager or owner of the Structure who shall be requested to post the notice on delivery at a primary entrance.
- B. The notice shall be given not less than fifteen (15) days before the date the public hearing is to be held. The notice shall:

1. Describe the nature of the special use request;
2. Indicate the property which is the subject of the request and hearing;
3. State when and where the public hearing will be held; and
4. indicate when and where written comments on the proposed special use will be received.

**SECTION 18.4 STANDARDS FOR SPECIAL USE APPROVAL.** The Planning Commission shall apply the following standards in rendering a decision on any special use.

- A. All Site Plan review standards included in Chapter 17.
- B. Supplemental standards as may be stated in other subsections of this Ordinance.
- C. That the development will be:
  - 1) In accordance with the general objectives, intent and purposes of this Ordinance.
  - 2) In accordance with the goals and objectives of the Jamestown Charter Township General Development Plan.
  - 3) Designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
  - 4) Nonhazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
  - 5) Served adequately by essential infrastructure, such as highways, streets, storm water drainage, refuse disposal, water and sewage facilities.
  - 6) Not creating excessive additional requirements at public cost for infrastructure and will not be detrimental to the economic welfare of the community.
  - 7) Not involving uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.

**SECTION 18.5 ISSUANCE OF SPECIAL USE PERMIT.** The Planning Commission shall grant a Special Use Permit on the finding that all of the requirements of this Ordinance pertaining to the proposed special use are fulfilled in each case; provided, however, that the Planning Commission may stipulate additional conditions and guarantees that all conditions will be complied with when, in order to fully comply with the intent of this Ordinance, such additional conditions may be deemed necessary. Before rendering such a decision, said use shall be thoroughly reviewed using the standards specified throughout this Ordinance and any other pertinent reliable information.

On making a decision whether to deny, approve, or approve with conditions a Special Use Permit, the Planning Commission shall incorporate their decision in a statement containing the conclusions relative to the special use which specifies the basis for the decision and all additional conditions, limitations and requirements on which the special use permit is granted. The statement shall be recorded in a record of the approval action and shall be filed together with the special use application and site plan with the Zoning Administrator. The Planning

Commission shall have the right to impose conditions which limit the duration of the special use where the same is of a temporary nature.

If deemed necessary to meet the purpose and intent of this Ordinance, the Planning Commission may require that the special use be periodically reviewed for the purpose of determining whether or not the original conditions are being complied with and whether or not to suspend, revoke or require further conditions or limitations depending on the degree of compliance then prevailing. All conditions of the special use approval shall remain unchanged except on the mutual consent of the Planning Commission and the special use applicant provided that if the Planning Commission determines that such changes will significantly alter the effect of the special use on adjacent properties, the Planning Commission shall direct the special use applicant to reapply for special use authorization.

The Planning Commission shall maintain a record of all conditions which are changed and said record shall be filed with the Zoning Administrator. The breach of or noncompliance with any conditions of the Special Use Permit shall automatically invalidate the permit.

#### **SECTION 18.6 ATTACHMENT OF SPECIAL CONDITIONS.**

- A. The Planning Commission may recommend and the Township Board may impose special conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include:
  - 1. Assurance that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity;
  - 2. Protection of the natural environment, conservation of the natural environment and conservation of natural resources and energy;
  - 3. Assurance of compatibility with adjacent uses of land;
  - 4. Promotion of the beneficial use of land in a socially and economically desirable manner.
- B. Special conditions imposed shall meet each of the following criteria:
  - 1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under



consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power and purposes, which are affected by the proposed use or activity.
  3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except with the mutual consent of the approving authority and the landowner. The Township Zoning Administrator shall maintain a record of changes granted in conditions.

**SECTION 18.7 AMENDMENTS.** Amendments to approved special use permits shall follow the same process as the issuance of the original permit. In hearing requests for amendments, the Planning Commission shall limit the public hearing to the amendment issue only.

**SECTION 18.8 EXPIRATION.** Any special use permit issued pursuant to the terms of this Chapter under which the authorized use or activity has not commenced within two (2) years, shall be revoked.

**SECTION 18.9 REAPPLICATION.** Any application for a special use permit which has been denied wholly or in part by the Planning Commission shall not be resubmitted until the expiration of the one (1) year from the date of such denial except on the grounds of newly discovered evidence or proof of changed conditions found by the Zoning Administrator to be sufficient to justify reconsideration by the Planning Commission.

## CHAPTER 19 PLANNED DEVELOPMENT (PD) REGULATIONS

**SECTION 19.1 DEFINITION AND PURPOSE.** This Chapter provides enabling authority and standards for the submission, review, and approval of applications for Planned Developments (PD). It is the intent of this Chapter to authorize the consideration and use of Planned Development Regulations for the following purposes:

- A. To encourage the use of land in accordance with its character and adaptability.
- B. To promote the conservation of natural features and resources.
- C. To encourage innovation in land use planning and development.
- D. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township.
- E. To promote and ensure greater compatibility of design and use between neighboring properties.
- F. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning on which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements and in accordance with standards provided in this Chapter to ensure appropriate, fair, and consistent decision-making. A Planned Development must comply with this Chapter.

**SECTION 19.2. PD ELIGIBILITY.** A Planned Development may be considered in any location within the Township of Jamestown. Any land use authorized in this Ordinance may be included in a Planned Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development, and the following:

- A. **MINIMUM AREA:** In order to be considered as a PD the proposed area of land shall be no less than five (5) acres; provided, however, that the proposed area to be considered as a PD for Mobile Home Development shall be no less than twenty-five (25) acres; and provided further that the proposed area to be developed for an industrial park or research park shall be not less than forty (40) acres.
- B. **OWNERSHIP:** The tract of land for a proposed PD project must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties included, (the holder of a written option to purchase land or the holder of an executory land contract shall, for the purpose of such application, be deemed the owner of such land).

### **SECTION 19.3 PROJECT DESIGN STANDARDS.**

- A. **DENSITY:** Maximum residential uses of up to 6.5 units per gross acre may be considered in any underlying residential zoning district except the AR, Agricultural-Rural Residential, where a maximum gross density of up to 3 units per acre may be considered. In each case the maximum density for residential uses shall be determined at the discretion of the Township Board, after review and recommendation by the Planning Commission. The recommendation shall be based on consistency with the General Development Plan, open space incentives offered by the developer, plans and policies for public sewer and water, standards outlined in this Ordinance, and the impact such density would have on the character of the area, water and sewer services, storm water drainage, road capacity, traffic safety and circulation, parks and recreation, police and fire services, schools and any planned public improvements in the area.

- B. Dwelling Unit Computation: The density permitted by the Township Board shall be applied to the net development area of the site in order to determine the maximum number of dwelling units permitted for the site. The net development area is determined by subtracting the following from the gross or total site area:
  - 1. Area within existing road rights-of-way
  - 2. Land within the 100-year floodplain.
  - 3. Areas permanently inundated by water.
  - 4. Areas devoted to non-residential uses.
  - 5. Areas designated by the State of Michigan as wetlands.
  
- C. Mixed Uses: Residential and non-residential uses may be permitted within the same PD district on demonstration to the Township Board that such uses meet the intent of this Chapter. It shall also be demonstrated that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.
 

The permitted density for residential uses in a mixed use development shall be determined by the Township Board on recommendation of the Planning Commission, based on the type of dwelling unit proposed and the standards contained in Section 19.3(A) herein.
  
- D. Project Design Standards: Connection to public water is required.

**SECTION 19.4. APPLICABLE REGULATIONS.**

- A. Unless specifically waived by the Township Board on the recommendation of the Planning Commission through the provisions of 19.5(B) below, all regulations of the underlying zoning district relative to lot size, lot width, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply.
  
- B. Consistent with the Planned Unit Development concept, and to encourage flexibility and creativity in development, departures from the regulations outlined in the immediately preceding Section 19.4(A) may be granted at the discretion of the Township Board, following a recommendation from the Planning Commission, as part of the approval of a Planned Development. Such departures may be authorized if there are features or planning mechanisms, including open space incentives, designed into the project which would achieve the objectives of each of the regulations from which a departure is being requested.

**SECTION 19.5. PD DESIGN CONSIDERATIONS.** A proposed Planned Development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.

- A. Perimeter setbacks.

- B. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
- C. Underground installation of utilities.
- D. Insulation of pedestrian ways from vehicular streets and ways.
- E. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.
- F. Noise reduction and visual screening mechanisms for adjoining residential uses.
- G. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
- H. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
- I. Screening and buffering with respect to dimensions and character.
- J. Yard areas and other open space.
- K. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
- L. The preservation of natural resources and natural features.

**SECTION 19.6. EFFECTS.** The granting of a Planned Development rezoning application shall have the effect of an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Chapter, including all aspects of the final plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.

**SECTION 19.7. APPLICATION AND PROCESSING PROCEDURES.**

- A. Pre-application Conference: Prior to the submission of an application for Planned Development, the applicant shall meet with the Zoning Administrator, and such consultants as the Zoning Administrator deems appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the Planned Development, and the following information:
  - 1. A legal description of the property in question;
  - 2. The total number of acres to be included in the project;
  - 3. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;
  - 4. The approximate number of acres to be occupied and/or devoted to or by each type of use;
  - 5. Departures from the regulations of the Ordinance which may be requested;
  - 6. The number of acres to be preserved as open space or recreation space; and
  - 7. All known natural resources and natural features.
  
- B. PRELIMINARY PLAN - SUBMISSION AND CONTENT: Applicants for PD authorization shall first prepare and submit to the Zoning Administrator ten (10) copies of a preliminary plan for the PD, seven (7) copies shall be for the Planning Commission, one (1) copy for the Township Board, one (1) copy for the Township Planning Consultant (if applicable) and one (1) copy for return to the applicant. This plan shall set forth, in general terms, the proposed uses to be developed in the PD and the following specific information:
  - 1. Date, north arrow, and scale which shall not be more than 1" = 100.
  - 2. Locational sketch of site in relation to surrounding area.

3. Legal description of property.
  4. Size of parcel.
  5. All lot or property lines with dimensions.
  6. Location of all buildings within one hundred (100) feet of the property lines.
  7. Location of all existing and proposed structures on the site.
  8. Location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
  9. Size and location of all areas devoted to open space.
  10. Existing vegetation and proposed landscaped areas and buffer strips.
  11. All areas within the 100-year floodplain, wetland areas or bodies of water.
  12. Copies of all proposed bylaws and covenants.
  13. Existing topographical contours at a minimum of two (2) foot intervals.  
A narrative describing:
    - a. The nature of the project.
    - b. The proposed density, number, and types of dwelling units if a residential PD.
    - c. A statement describing how the proposed project meets the objectives of the PD.
    - d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
    - e. Proof of ownership or legal interest in property.
- C. Preliminary Development Plan - Planning Commission Review: The Planning Commission shall review the preliminary development plan and shall make reasonable inquiries of the applicant. This review shall take place within thirty days of receipt by the Zoning Administrator of all materials required in the application unless an extension is mutually agreed on between the Planning Commission and the applicant.
- D. PUBLIC HEARING REQUIRED: In the course of its consideration of a preliminary plan, the Planning Commission shall call an advisory public hearing and give such notice thereof as outlined in Section 19.8.
- E. TRANSMITTAL OF PLANNING COMMISSIONS RECOMMENDATIONS: The Planning Commission shall transmit its recommendations pertaining to the preliminary plan along with any recommended changes or modifications thereof to the applicant. A copy of the Planning Commission's Recommendations shall be transmitted to the Township Board.
- F. APPLICATION AND FINAL PLAN SUBMISSION. After reviewing the recommendations of the Planning Commission on the preliminary plan, the applicant for PD authorization shall submit to the Zoning Administrator a PD application and ten (10) copies of a final Development Plan to the Zoning Administrator. The Zoning Administrator shall promptly transmit one (1) copy to the Township Board, seven (7) copies to the Planning Commission, one (1) copy to the Township Planner (if applicable), and retain one (1) copy. Any fees required in accordance to the Township fee schedule shall be paid to the Township Clerk at the time of application.
- G. Contents of Final Plan: The final development plan shall contain the same information required for the preliminary development plan and shall contain the following additional information as well as information specifically requested by the Planning Commission in its review of the preliminary development plan:

1. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
2. Proposed contour lines at not greater than two (2) foot intervals.
3. Proposed landscaping including type, number, and size of trees and shrubs.
4. Location of signs and exterior lighting.
5. Location of sidewalk, foot paths, or other pedestrian walkways.
6. Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
7. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
8. Proposed phases of project.
9. In the event the property on which the project is to be situated consists of ten (10) or more acres, the Township Board may, after recommendation of the Planning Commission, require one or more of the following as part of final development plan submission:
  - a. Evidence of market need for the use(s) and economic feasibility of the project
  - b. A Traffic Impact Assessment
  - c. An Environmental Impact Assessment
  - d. A Fiscal Impact Assessment

**SECTION 19.8. OPTIONAL PUBLIC HEARING.** The Planning Commission may, at their discretion, hold a public hearing on all applications for final PD approval authorization. Notice of the public hearing shall be as follows:

- A. Notice shall be published in a newspaper of general circulation in the area, and sent by mail or personal delivery to the owners of property for which PD authorization is being considered, to all persons to whom real property has been assessed within three hundred (300) feet of the property lines involved in the proposed PD, and to the occupants of all Structures within three hundred (300) feet of the property lines involved. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a Structure, except that if a Structure contains more than one (1) Dwelling Unit or spatial area owned or leased by different persons, one (1) occupant of each such unit or area shall receive notice. In the case of a single Structure containing more than four (4) Dwelling Units or other distinct spatial areas owned by different persons, notice may be given to the manager or owner of the Structure who shall be requested to post the notice on delivery at a primary entrance.
- B. The notice shall be given not less than fifteen (15) days before the date the public hearing is to be held.
- C. The notice shall: (1) Describe the nature of the PD; (2) indicate the property which is the subject of the request and hearing; (3) state when and where the public hearing will be held; and (4) indicate when and where written comments on the proposed PD will be received.

**SECTION 19.9. STANDARDS FOR APPROVAL.** Following the public hearing, the Planning Commission shall either approve, deny, or approve with conditions the final development plan and make its recommendation to the Township Board. In making its recommendation, the Planning Commission shall find that the proposed PD meets the intent of the PD District and the following standards.:

- A. Granting of the Planned Development rezoning 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.
- B. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden on the subject or surrounding land or property owners and occupants or the natural environment.
- C. The proposed development shall be compatible with the General Development Plan of the Township and shall be consistent with the intent and spirit of this Chapter.
- D. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact on surrounding properties.
- E. The Planned Development shall not change the essential character of the surrounding area.
- F. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control on due notice to the Township Clerk.

**SECTION 19.10. FINAL APPROVAL BY THE TOWNSHIP BOARD.** Final approval or disapproval of the PD application shall be granted by the Township Board on finding that all conditions and requirements of this Chapter are fulfilled. After receiving the recommendation of the Planning Commission and holding a public hearing, the Township Board shall either approve, deny, or approve with conditions the PD application and final site plan in accordance with the requirements and the standards for approval and conditions for a PD as contained herein. A building permit shall not be issued until Township Board approval of the PD final development plan and rezoning is granted.

Where provisions of Michigan Public Act 288 of 1967 as amended shall apply, the applicant shall thereafter submit the information and plans as may be required by Act 288 and all other local procedures or regulations pertaining to platting approval.

**SECTION 19.11. CONDITIONS.**

- A. In approving a Planned Development, the Township Board may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity; protect the natural environment and conserve natural resources and energy; ensure compatibility with adjacent uses of land; and promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
  1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- B. The conditions imposed with respect to the approval of a PD shall be recorded in the record of the approval action and shall remain unchanged except with the mutual consent of the Township Board and the applicant. The Township Board shall maintain a record of conditions which are unchanged. The final development plan, as approved, shall act as a restriction on the development. The development must conform to the final development plan.

**SECTION 19.12. PERFORMANCE GUARANTEES.** The Township Board, after recommendation from the Planning Commission or in its own discretion, shall require cash or an irrevocable letter of credit in order to ensure the completion of required improvements.

**SECTION 19.13. PHASING AND COMMENCEMENT OF CONSTRUCTION.**

- A. Phasing: If a project is proposed for construction in phases, the planning and design shall be such that, on completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall base such that at least thirty-five (35) percent of all proposed residential units are completed concurrent with the first phase of any non-residential construction; completion of at least seventy-five (75) percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of one hundred (100) percent of all residential construction prior to the third or final phase of non-residential construction. The percentages shall be approximations and determined at the discretion of the Township Board on review and recommendation of the Planning Commission. The percentages may be significantly varied should the Township Board determine that the applicant has presented adequate assurances that the residential components or components of the project shall be completed within a specified period.
- B. Commencement and Completion of Construction: Construction shall be commenced within one (1) year following final approval of a Planned Development or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, approval of the final plan for the project shall expire. An extension for a specified period may be granted by the Township Board on good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Township Board may begin proceedings to rezone the property in any reasonable manner. If, at the discretion of the Township Board, the property remains classified as Planned Development, prior to the commencement of construction, a new application shall be required and shall be reviewed in light of the then prevailing conditions and applicable law and Ordinance provisions.

**SECTION 19.14. EFFECT OF APPROVAL.** The Planned Development amendment and all conditions imposed, if any, shall constitute the land use authorization for the property. All improvements and uses shall be in conformity with this amendment. The applicant shall record an affidavit with the Ottawa County Register of Deeds which shall contain the following:



- A. Date of approval of the PD by the Township Board.
- B. Legal description of the property.
- C. Legal description of the required open space along with a plan stating how this open space is to be maintained.
- D. A statement that the property will be developed in accordance with the approved PD site plan and the conditions imposed by the Township Board unless an amendment thereto is duly approved by the Township on the request and/or approval of the applicant or applicant's transferee's and/or assigns, or the PD zoning has been removed pursuant to Section 19.13(B) above.

**SECTION 19.15. MODIFICATION OF A PD.** Minor changes to a PD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes subject to administrative review include slight dimension changes, slight building, parking and driveway relocation, change in landscaping, signs, lighting, decrease in building size and increase in building size that does not exceed five thousand 5,000 square feet or five (5) percent of the gross floor area, whichever is smaller.

A major change to an approved PD shall comply with the filing procedures for a PD as contained herein. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PD approval. The Zoning Administrator shall determine if requested changes constitute a major amendment and shall provide the Planning Commission and Township Board with a record of any and all minor changes approved administratively.

**SECTION 19.16. BICYCLE PATHS.**

- A. It is hereby determined that Bicycle Paths promote and provide for the public health, safety, and general welfare by achieving the following public purposes:
  - 1. Bicycle Paths provide a safer location for travel along streets and roads for bicyclists and pedestrians, including school children, than the edge of the traveled street or road.
  - 2. Bicycle Paths encourage and promote aerobic exercise by bicyclists and others utilizing the Bicycle Paths.
  - 3. Bicycle Paths conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian, rather than utilizing a motor vehicle.
  - 4. Bicycle Paths reduce traffic congestion by providing a safe location for bicycles and pedestrians, which results in fewer vehicles on the Street.
- B. In furtherance of the objectives set forth in 19.16.A., the Township shall require an applicant seeking Planned Development review and approval in accordance with this Chapter to: (1) grant the necessary easements for the construction of Bicycle Paths; and (2) either (a) construct Bicycle Paths as further provided in subsection 19.16.B.1 below; or (b) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for Bicycle Paths. The Township, working with the applicant, and in consultation with the Township Engineer, shall determine the location of the necessary easements for Bicycle Paths so as to provide, develop and

maintain a Township Bicycle Path system to connect neighborhoods, schools, business districts, parks, and other facilities and to accomplish the public health, safety and welfare concerns set forth in Section 19.16.A.

1. If a Bicycle Path is to be constructed by the applicant, such path shall be developed either (a) along the entire frontage of a development that abuts an existing Street, which is subject to site plan approval, or (b) internal to the applicant's proposed development to connect existing Bicycle Paths if a development's frontage either contains an existing Bicycle Path or is located across from an existing Bicycle Path for the entirety of the development frontage or both. If the Township permits a Bicycle Path internal to the development such internal path shall not include required street sidewalks pursuant to the Jamestown Charter Township Subdivision Ordinance or internal sidewalks for the purpose of pedestrian safety when located within and/or adjacent to parking lots for commercial and industrial uses. In making a determination and recommendation with respect to an internal Bicycle Path, the Planning Commission shall consider, in addition to any other relevant factors, all of the following standards:
  - a. The connectivity provided by the Bicycle Path to the existing Township trail system.
  - b. The length of the Bicycle Path relative to the development frontage.
  - c. The benefit and proximity of the Bicycle Path related to other required internal pathways, such as sidewalks or walking trails.

- C. As part of its review of the preliminary development plan as provided in Section 19.7.C, and in accordance with the provisions of Section 19.16, the Planning Commission shall determine whether the applicant shall provide an easement for future Bicycle Path construction. The Planning Commission shall also determine whether the applicant shall (1) construct Bicycle Paths at the same time as final development plan approval (2) make a financial contribution to the Township for use by the Township, together with interest earned thereon, for the construction of the required Bicycle Path, or (4) construct an internal Bicycle Path in order to achieve the public purposes described in subsection 19.16.A above.

In making this determination, the Planning Commission shall consider, in addition to any other relevant factors, the standards set forth in Section 3.24.C.

The Planned Development developer shall be provided a reasonable opportunity at a Planning Commission meeting to provide the Planned Development developer's position regarding the need for Bicycle Paths.

The Planning Commission shall include in its recommendation concerning the Planned Development preliminary plan provided for by Section 19.7.E., its final determination concerning the necessity for any Bicycle Path, the recommended location of the Bicycle Path to be provided, and whether the applicant shall (1) provide necessary easements for the Bicycle Path; and either, (2) construct the Bicycle Path; (3) make a financial contribution to the Township for the Township's construction of the Bicycle Path or (4) construct an internal Bicycle Path. The Planning Commission recommendation pertaining to Bicycle Paths shall also state the Planning Commission's rationale for its determinations.

- D. As part of its consideration of final approval of the PD application as is provided in

Section 19.10 above, the Township Board shall review and consider the Planning Commission recommendation concerning Bicycle Paths and then make a final determination, when determining whether to approve, deny, or approve with conditions the PD application and final site plan, as to what Bicycle Paths, are to be required for the Planned Development and, their location and the portion of the cost of the required Bicycle Paths, both easements and construction cost, to be borne by the Planned Development developer.

This determination shall be effective to make the Bicycle Path construction or contribution to the cost thereof, or both, and any required easements, to the extent the cost thereof is to be borne by the Planned Development developer, a condition of approval as is provided in Section 19.11 above, to be constructed or paid for by the Planned Development developer. As part of this Township Board consideration, the Planned Development developer shall be provided a reasonable opportunity at a Township Board meeting to provide the Planned Development developer's position regarding the need for Bicycle Paths and the portion of the cost thereof to be borne by the Planned Development developer.

- E. A Bicycle Path to be constructed by the Planned Development developer shall be designed and constructed in accordance with the following requirements:
  - 1. The Bicycle Path shall be at least eight (8) feet in width.
  - 2. The Bicycle Path shall be constructed in accordance with the Bicycle Path construction standards and requirements contained in the Jamestown Charter Township Sidewalks and Bicycle Paths Ordinance.
  - 3. The plans and specifications for the Bicycle Path shall be approved in advance of construction in writing by the Township.
- F. All dedicated Bicycle Path easements shall be a minimum of fifteen (15) feet wide.

## CHAPTER 20 NONCONFORMING USES

**SECTION 20.1 CONTINUANCE OF NONCONFORMING BUILDINGS, STRUCTURES OR USES.** The lawful use of any Building, Structure or use of land, exactly as it existed at the time of enactment of this Ordinance, may be continued in the manner set forth herein, even though such Building, Structure or use does not conform to all the provisions of this Ordinance.

**SECTION 20.2 CREATION OF NONCONFORMING LOTS.** No Lot or parcel of land shall be divided, altered or reduced by sale, gift or other disposition so that the Yards, parking area, or other required open spaces or the land area thereof is less than the minimum required by the Ordinance. If already less than the minimum requirements of this Ordinance, no Lot, parcel of land, parking area or other open space shall be divided, altered or reduced for sale, gift or other disposition so as to increase its noncompliance with such minimum requirements.

Pursuant to the authority granted the Township to regulate the division of a Lot or parcel of land in a recorded plat, such division is prohibited unless first approved by the Township Board. Written application for a proposed division shall be filed with the Zoning Administrator on forms provided by the Township. The division of a Lot or parcel of land resulting in a smaller area than required by this Ordinance may be permitted by the Township Board but only for the purpose of adding to any existing Building site or sites.

**SECTION 20.3 NONCONFORMANCE DUE TO USE TYPE.** The following conditions shall apply to Buildings, Structures and uses which are nonconforming because such use of the Building, Structure or land is not permitted in the Zoning District in which it is located.

- A. Non-Farm Buildings Structures and Uses. Those nonconforming uses which are not part of a Farm operation shall not be enlarged, extended or further increased unless authorized by the Planning Commission as a special use in accordance with the provisions set forth in Chapter 18. In addition to the general standards for special use authorization, the Planning Commission shall consider the following supplemental standards as they apply specifically to nonconforming uses:
1. There shall be a reasonable need for the extension or enlargement of the nonconforming use.
  2. Such extension or enlargement shall be designed in such a manner as to safeguard the physical and aesthetic character of the Zoning District and immediate neighborhood.
  3. That there are no other conforming Buildings or Structures within two hundred (200) feet of the proposed extension of a nonconforming Building or Structure (as measured from Building line to Building line); or in the case of a proposed enlargement of a nonconforming use of land, that there are no other conforming Buildings or structures within three hundred (300) feet of the proposed land area increase (as measured from the Building line of the conforming use to the nearest boundary of the proposed land area increase).
  4. That the proposed enlargement, extension or further increase in the nonconforming Building, Structure or use shall not be more than fifty percent (50%) of the original dimensions of the nonconforming area or space.

- B. The above regulations shall not apply to single family homes which may be replaced on the same building footprint without approval from the Planning Commission.
- C. Nonconforming Farm Buildings, Structures or Uses. Nonconforming Farm Buildings, excluding Farm Dwellings and Accessory Buildings not directly facilitating agricultural production, may be enlarged up to fifty percent (50%) of the original dimensions of nonconforming area or space.

**SECTION 20.4 NONCONFORMANCE DUE TO USE DIMENSIONS AND LOCATIONS.** Buildings or Structures which conform to use requirements of this Ordinance but are nonconforming because they do not meet the development requirements of a particular Zoning District, may be extended, altered or modernized provided that no additional or increased nonconformance with the provisions of this Ordinance has thereby been created.

**SECTION 20.5 NONCONFORMANCE DUE TO ZONING AMENDMENT OR RECLASSIFICATION.** Buildings, Structures or uses which become nonconforming due to reclassification of Zoning Districts or any subsequent change in the regulations of this Ordinance shall comply with applicable provisions of this Chapter.

**SECTION 20.6 RESTORATION AND REPAIRS; CATASTROPHIC EVENT.**

- A. An owner of a nonconforming Building or Structure may make repairs and undertake maintenance work necessary to keep the nonconforming Building or Structure in a sound condition. If a nonconforming Building or Structure is damaged or destroyed by fire, wind, collapse, explosion, act of God or acts of a public enemy to the extent of sixty percent (60%) or more of its real value, it may be rebuilt or restored if the reconstruction and subsequent use is authorized by the Planning Commission as a special use. Otherwise, the Building or Structure shall be reconstructed in accordance with the terms of this Ordinance.

In considering such authorization, the Planning Commission shall consider the following standards and those standards provided in Section 18.4 of the Zoning Ordinance.

1. Whether the reconstruction will impair the intent and purpose of the zoning district.
  2. Whether the reconstruction will negatively affect adjacent uses.
  3. Whether the reconstruction will compromise the intent of the district particularly related to adjacent structures.
- B. If a nonconforming Building or Structure has sustained such damage or destruction to a lesser extent, it may be restored to the original dimensions of nonconforming area or space and its original use resumed. Any such restoration to an original state of nonconformance must be initiated within a period of one (1) calendar year from the date of such damage or destruction.
  - C. Should multiple nonconforming buildings or structures located on more than one (1) lot be destroyed by a tornado, straight line winds, flooding from a natural water way or lake, wildfire or similar natural catastrophic event , whether in whole or in part, such nonconforming buildings or structures may nevertheless be restored, rebuilt or otherwise reestablished if the resulting buildings or structures is no more nonconforming than it was prior to being destroyed; provided, however, that any such restoration, rebuilding or reestablishing of the nonconforming buildings or structures must be completed within two (2) years of the date of the destruction or partial destruction of the buildings or structures. In the event that such restoration, rebuilding or reestablishing of the nonconforming buildings or structures is not completed within such period of time, then such buildings or structures shall not be in compliance with this Ordinance and shall be removed.

**SECTION 20.7 UNUSED OR VACATED NONCONFORMING USES.** Any nonconforming Building, Structure or use which has been unoccupied, unused or otherwise vacated for a period exceeding one (1) calendar year shall thereafter be devoted only to a conforming use except as provided by Section 20.8.

**SECTION 20.8 CHANGE OF NONCONFORMING USE.** The Planning Commission may permit a nonconforming Building, Structure or use to be changed or altered to another nonconforming use if, and only if, it has first been shown that such a change would significantly reduce the degree of nonconformance and would serve to enhance the desirability of adjacent conforming uses. If any nonconforming Building, Structure or use has been altered or otherwise modified so as to bring into conformance with this Ordinance or to lessen its degree of nonconformance, then such original state of nonconformance shall not thereafter be reestablished.

**SECTION 20.9 BUILDINGS OR STRUCTURES UNDER CONSTRUCTION.** Any Building or Structure shall be considered existing and a lawful nonconforming use and, for the purposes of this Chapter only, to have been in use for the purpose for which constructed, if on the effective date of this Ordinance a building permit has been obtained therefore conforming to the Zoning Ordinance at the time of issuance, provided, however, that construction of said Building or Structure shall be thereafter diligently pursued to conclusion. If no building permit was required under the terms of zoning regulations then in effect but a substantial start toward the erection of the Building or Structure has been shown, then the provisions of this Section shall apply to such Building or Structure; provided, however, that construction is begun within three (3) months of the effective date of this Ordinance and diligently pursued to conclusion.

**SECTION 20.10 PRIOR UNLAWFUL USE.** Any Building, Structure or use which is in violation of zoning regulations immediately prior to the effective date of this Ordinance, and will not become a conforming use under the provisions of this Ordinance, shall not be interpreted as a lawful nonconforming use in accordance with Section 20.1 and any such violations of prior zoning regulations which are not brought into conformance by the passage of this Ordinance shall remain as zoning violations thereof.

**CHAPTER 21 OFF-STREET PARKING AND LOADING**

**SECTION 21.1 SCOPE.** Every property owner shall provide and maintain an adequate number of off-street parking spaces, and the necessary number of loading and unloading facilities associated thereto in each Zoning District for all occupants, employees and patrons intended to occupy or occasion said property. The following provisions specify minimum off-street parking and loading requirements which shall be met before any Building or Structure is occupied, or is enlarged or increased in capacity.

**SECTION 21.2 DESIGN AND CONSTRUCTION REQUIREMENTS.**

- A. **Dimensional Standards.** The minimum parking space and maneuvering lane standards contained in Table 21-1 shall apply.

**TABLE 21-1  
MINIMUM PARKING SPACE AND MANEUVERING LANE STANDARDS**

Parking Pattern (degrees)	Maneuvering Lane	Maneuvering Lane	Parking Space Width(1)	Parking Space Length(2)
	Width One-way	Width Two-way		
Parallel	12 feet	20 feet	9 feet	25 feet
30 to 50	12 feet	20 feet	9 feet	19 feet
54 to 74	13 feet	24 feet	9 feet	19 feet
75 to 90	20 feet	24 feet	9 feet	18 feet

- (1) Parking space width measured perpendicular to the space centerline.
- (2) Parking space length measured along the space centerline.

- B. **Surface and Drainage Requirements.** All parking areas in support of a multi-family, two family, commercial, industrial, institutional or governmental use shall be paved with a durable, concrete or bituminous asphalt surface and shall be graded and provided with adequate drainage. The requirement for paving may be waived in total or in part by the Planning Commission at the time of site plan approval or as a specific application to the Planning Commission when site plan approval by the Planning Commission is not otherwise required. Such waiver may only be granted if it is demonstrated that the use of the parking area will be characterized as low volume, infrequent and intermittent. In granting such waivers, the Planning Commission shall stipulate an appropriate substitute surface material.
- C. **Surface Striping.** All parking spaces, aisles, and unloading zones shall be striped or marked, using a durable exterior paint. Such striping or other required demarcation shall be maintained in a condition such that easy interpretation of such markings by intended users is possible. In those cases where it is determined by the Planning Commission or Zoning Administrator that striping of spaces and the definitions of aisle space would not be appropriate, 300 square feet of parking area shall be provided for each required parking space.
- D. **Lighting Requirements.** All parking lot or outdoor display lighting shall be designed, located, and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affects on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet for any fixture to be located within 300 feet of a residential or agricultural district or use, and a maximum height of 35 feet for all other locations.

- E. No parking space shall be closer than five (5) feet from any Lot line.
- F. Off-street parking facilities in “C” Commercial Districts and the “B/I” District shall be effectively screened on any side which adjoins or faces property in any “R” Residential District by a wall, fence or compact planting not less than four (4) feet or more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining properties. Screening shall not be so placed or maintained as to provide a traffic hazard through obstructed visibility.
- G. Except in the case of One or Two-Family Dwellings, no off-street parking area shall be designed so as to make it necessary for Vehicles to back out directly on to a public Street.
- H. Space for all necessary loading and unloading operations for any commercial, industrial or other use requiring such operations must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the Lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
- I. Common parking facilities for two (2) or more uses of the same or different types are encouraged, provided that the total space requirement is not less than the sum of individual space requirements, and provided further that the parking facilities for one use shall not be considered as providing the required parking facilities for another use.

**SECTION 21.3 MINIMUM REQUIRED PARKING SPACES.** The following minimum requirements for parking spaces shall apply in all Zoning Districts to the particular use type listed:



Use	Required Parking Spaces
1. One family dwelling or mobile homes.	Two (2) for each dwelling unit.
2. Multiple dwellings.	Two (2) for each dwelling unit.
3. Elderly housing, boarding or lodging houses.	One (1) for each individual living or sleeping unit plus one (1) space for each employee. Should the units revert to general occupancy, then two (2) spaces per unit shall be provided.
4. Hotel and motel.	One (1) for each unit, plus one (1) for each employee on the largest shift, and required parking for accessory uses.
5. Bed and breakfast.	Two (2) spaces plus one (1) additional space for each room to be rented.
6. Inns.	Two (2) spaces, plus one space for each room to be rented plus parking as required for each accessory use.
7. Hospitals.	One (1) for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each employee.
8. Churches.	One (1) for each three (3) seats or per each six (6) feet of pews, whichever is greater.
9. Auditoriums (incidental to schools churches, theaters), or buildings of similar uses with fixed seats.	One (1) for each six (6) seats, plus one (1) additional space for each two (2) employees.
10. Auditoriums (other than incidental to schools), lodge halls or buildings of similar uses without fixed seats.	One (1) for each three (3) persons permitted in such edifice as determined in the capacity limitations, thereof, by the Fire Marshal.
11. Elementary and junior high school.	One (1) for each employee (including teachers and administrators) in addition to the requirements of the auditorium.
12. High schools or business schools	One (1) for each employee (including teachers and administrators) and one (1) for each ten (10) students in addition to the requirements of the auditorium.
13. Libraries, museums, and post offices.	One (1) for each eight hundred (800) square feet of usable floor area plus one (1) for each two (2) employees.
14. Private clubs or lodge halls.	One (1) for each three (3) persons allowed within the maximum occupancy load as established by the Fire Marshal.

15. Private golf clubs, swimming pool clubs, tennis clubs or other similar uses.	One (1) for each two (2) member families or each two (2) individuals anticipated, plus spaces required for each accessory use, such as restaurant or bar.
16. Golf course open to the public, except miniature golf or "Par 3" courses.	Four (4) for each (1) golf hole and one (1) for each one (1) employee, plus spaces required for each accessory use, such as a restaurant or bar.
17. Miniature or "Par 3" golf course.	Three (3) for each hole plus one (1) for each employee.
18. Stadium, sports area, or similar place of outdoor assemble.	One (1) for each four (4) seats or six (6) feet of benches.
19. Theaters and assembly halls.	One (1) for each four (4) seats plus one (1) for each two (2) employees.
20. Bowling lanes.	Five (5) for each bowling lane plus accessory uses.
21. Dance halls, pool or billiard parlors, roller rinks, banquet halls, exhibition halls, and assembly halls without fixed seats.	One (1) for each three (3) persons allowed within the maximum or skating occupancy as established by Fire Marshal or local, county or state fire, building or health codes, or one for each one hundred fifty (150) square feet of usable floor area, whichever is greater.
22. Restaurants, clubs, establishments for sale and consumption on the premises of beverages, food or refreshments.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each two (2) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes, whichever is greater.
23. Furniture and appliance, household equipment, repair shops, personal service establishments, showroom of a plumber, decorator, electrician or similar trade, shoe repair, similar uses.	One (1) for each one thousand of (1,000) square feet of usable floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
24. Automobile service and repair facilities.	Two (2) for each lubrication stall, rack, or pit; one (1) for each gasoline pump and one (1) for each employee.
25. Self service filling station and convenience store.	One (1) space for each gasoline pump, and one (1) space for each two hundred (200) square feet of usable floor area.
26. Laundromats and coin operated dry cleaners.	One (1) for each two (2) washing and/or dry cleaning machines.
27. Mortuary establishment including funeral homes.	One (1) for each thirty (30) square feet of usable floor area in assembly, parlor, or slumber rooms.

28. Motor vehicle sales and service establishments.	One (1) for each two hundred (200) square feet of usable floor area of sales room, and one (1) for each (1) auto service stall in the service room.
29. Retail stores except as otherwise specified herein.	One (1) for each two hundred (200) square feet of usable floor area.
30. Fast food and drive-in restaurants.	One (1) for each two (2) employees, plus (1) for each two (2) seats intended for patrons within the restaurant building, and one (1) for each twenty (20) square feet of usable floor area available in the order-waiting area.
31. Beauty shops and barber shops.	Two (2) for each of the first two (2) beauty and/or barber shop chairs and one and a half (1 1/2) spaces for each additional chair.
32. Planned commercial or shopping centers.	One (1) for each hundred (100) square feet of usable floor area.
33. Auto wash.	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises.
34. Banks.	One (1) for each one hundred (100) square feet of usable floor area.
35. Drive-in banks, cleaners and similar businesses.	Storage space for five (5) cars between the sidewalk area and the service window and one (1) for each two (2) employees.
36. Nursery school, day nursery, or child care centers.	One (1) for each three hundred and fifty (350) square feet of usable floor space.
37. Business offices or professional offices except as follows in number 38.	One (1) for each two hundred (200) square feet of usable office floor area.
38. Professional office of doctors, dentists or similar professions.	One (1) for each one hundred (100) square feet of usable floor area or one (1) for each twenty-five (25) square feet in waiting rooms, and one (1) for each examining room, dental chair, or similar use area, whichever is greater.
39. Industrial or research establishments and related accessory offices	Five (5) plus one (1) for every one and one-half (1 1/2) employees in the largest working shift. Space on-site shall also be provided for all construction workers during periods of plant construction.
40. Warehouse and wholesale establishments and related accessory offices.	Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every seventeen hundred (1,700) square feet of usable floor space, whichever is greater.

2. Each parking lot that services a building entrance, except single or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs as reserved for physically handicapped persons.

Total Spaces in Parking Lot	Required Number of Accessible Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	Two (2) percent of total
Over 1,000	Twenty (20), plus one (1) for each one hundred (100) over one thousand (1,000).

## CHAPTER 22 BOARD OF APPEALS

**SECTION 22.1 CREATION.** There is hereby created under the Zoning Act a Township Board of Appeals, referred to in this Ordinance as the "Board of Appeals".

**SECTION 22.2 MEMBERSHIP, TERMS OF OFFICE.** The Board of Appeals shall consist of five (5) members. The first member of the Board of Appeals shall be a member of the Township Board for his/her term in office; the second member shall be a member of the Planning Commission appointed by the Township Board for his/her term in office; and the remaining membership shall be selected by the Township Board from among the electors residing in the unincorporated portion of the Township for a term of three (3) years; except for members serving because of their membership on the Township Board and Planning Commission whose terms shall be limited to the time they are members of such commission or board, and the period stated in the resolution appointing them, provided that no elected officer of the Township may serve as the chairperson of the Board of Appeals; and provided further, that no employee or Contractor of the Township Board may serve as a member or employee of the Board of Appeals. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

The Township Board may appoint up to two (2) alternate members to serve on the Board of Appeals. These alternate members may be asked to serve whenever a regular member is absent or has demonstrated a conflict of interest.

Members of the Board of Appeals shall be removable by the Township Board for nonfeasance, malfeasance, and misfeasance of office on written charges and after public hearing.

**SECTION 22.3 ORGANIZATION AND PROCEDURES.** The Board of Appeals shall proceed with its various duties in the following manner:

- A. Rules of Procedure. The Board of Appeals shall adopt its own rules of procedures as may be necessary to conduct its meetings properly.
- B. Majority Vote. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter on which they are required to pass under this Ordinance or to effect any variation in the Ordinance.
- C. Meetings. Meetings shall be open to the public, and shall be held at the call of the chairman and at such other times as the Board of Appeals shall specify in its rules of procedure.
- D. Records. Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case together with votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall become matters of public record.
- E. Secretary and Counsel. The Township Zoning Administrator shall act as the Secretary of the Board of Appeals and all records of the Board's action shall be taken and recorded under his direction. The Township Attorney shall act as legal counsel for the Board of Appeals and shall be present at meetings on the request of the Board of Appeals.

- F. Hearings. When a notice of appeal has been filed in proper form with the Board of Appeals, the Secretary shall immediately place said request for appeal on the calendar for hearing, and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal and all occupants and property owners within 300 feet of the subject property at least fifteen (15) days prior to the date of the scheduled hearing. All notices shall be sent to addresses given in the last assessment roll. The Board of Appeals may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.
- G. Decisions. Decisions made by the Board of Appeals shall not create inconsistencies with the intent and purpose of this Ordinance, nor shall any such decision lead to the creation of substantial incompatibilities between a given land use or activity and other land uses, the natural environment, and the capacities of public services and facilities affected by such use or activity. The Board of Appeals shall return a decision on each case within sixty (60) days after a request for appeal has been filed with the Board of Appeals unless a further time is agreed on with the parties concerned. Any decision of the Board of Appeals shall not become final until approved by a majority of the membership. The decision of the Zoning Board of Appeals shall be final but any person having an interest affected by this Ordinance or a decision of the Board of Appeals shall have the right to appeal to the Circuit Court on the questions of law and fact.

**SECTION 22.4 APPEALS.** Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, or board of the Township. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within ten (10) days after the date of the Zoning Administrator's decision which is the basis for the appeal. The person making the appeal must file with the Zoning Administrator a notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Board of Appeals all papers constituting the record on which the action appealed was taken.

**SECTION 22.5 STAY.** An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after the notice of the appeal shall have been filed that, for reason of facts stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or, on application, by the Circuit Court when due cause can be shown.

**SECTION 22.6 REPRESENTATION.** Any party may appear in person, by agent or by attorney at a hearing considering his request or appeal.

**SECTION 22.7 FEES FOR APPEAL.** A fee as established by the Township Board shall be paid to the Township Clerk at the time of filing application with the Board of Appeals. The purpose of the fee is to cover any necessary advertisement and investigation expenses incurred by the Board of Appeals in connection with the appeal.

## SECTION 22.8 AUTHORIZED APPEALS.

The Zoning Board of Appeals shall hear the following specified categories of appeals in accordance with the following standards:

**Administrative Review:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or by the Planning Commission in administering or enforcing the provisions of this Ordinance. This authority shall not include review of PUD decisions of the Planning Commission.

**Interpretation of the Ordinance:** The Zoning Board of Appeals shall hear and decide upon requests to: Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of the Ordinance, the Article in which the language in question is contained, and all other relevant provisions in the Ordinance.

Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator

Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. Where there is no comparable permitted or prohibited use, the Zoning Board of Appeals shall so declare, the effect being that use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

The permission and duration associated with temporary uses in the Township as defined in the definitions chapter of this ordinance.

**Variance:** The Zoning Board of Appeals shall have the power to authorize specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard width and depth regulations, off-street parking and loading space requirements, and sign requirements of

this Ordinance, provided that all the required findings listed below are met and the record of proceedings of the Zoning Board of Appeals contains evidence supporting each conclusion:

- A. The strict enforcement of the provisions of this Ordinance would cause an unnecessary hardship and deprive the owner of rights enjoyed by all other property owner owning property within the same zoning district.
- B. There are conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
- C. The conditions and circumstances unique to the property were not created by the owner, or his predecessor.
- D. The requested variance will not grant special privileges that are denied other properties similarly situated and in the same zoning district.
- E. The requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.

A variance under this Ordinance shall not be granted which permits a use not otherwise permitted within the zoning district, when the use is clearly permitted in another zoning district.

**Conditions:** The ZBA may impose conditions upon an affirmative decision. These may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent land uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

- A. Be designed to protect natural resources, the health, safety, and welfare, as well as social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
- B. Be related to valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- D. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

**Rehearing:** No rehearing on an application denied by the Zoning Board of Appeals shall be reconsidered except upon the grounds of newly discovered evidence or a falsehood previously relied upon which is found upon inspection by the Zoning Board of Appeals to be valid. A rehearing shall be processed in the same manner as the original application, including payment of the required fee. A request for rehearing shall be made on behalf of the applicant by either the Township Board or Zoning Board of Appeals within eight (8)



days. No land use permit shall be granted which relies upon a variance before eight (8) days following the decision of the Zoning Board of Appeals have expired.

**Reapplication:** No application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on proof of changed conditions found upon inspection by the Zoning Administrator to be valid.

**SECTION 22.9 LIMITS OF POWER.** Use variances shall not be permitted in Jamestown Charter Township.

## CHAPTER 23 WIRELESS COMMUNICATION FACILITIES (WCF)

**SECTION 23.1 PURPOSE.** It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this Chapter, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Chapter to:

- A. Facilitate adequate and efficient provision of sites for Wireless Communication Facilities (WCF).
- B. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of Wireless Communication Facilities, subject to applicable standards and conditions.
- C. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact on neighborhoods and areas within the Township. Consequently, more stringent standards and conditions should apply to the review, approval and use of the facilities.
- D. Ensure that Wireless Communications Facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
- E. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact on existing population, transportation systems, and other public services and facility needs.
- F. Promote the public health, safety and welfare.
- G. Provide for adequate information about plans for Wireless Communications Facilities in order to permit the community to effectively plan for the location of such facilities.
- H.. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
- I. Minimize the negative visual impact of Wireless Communication Facilities on neighborhoods, community landmarks, buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice structures that are unnecessary, taking into consideration the purposes and intent of this section.
- J. The Township Board finds that the presence of numerous tower and/or pole structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community. This, in turn, may have an adverse impact on property values. Therefore, it is necessary to minimize the adverse impact from the presence of numerous tower and/or pole structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

**SECTION 23.2 LEVEL 1 - PERMITTED USES AND PERMITTED USES WITHIN PERMITTED USE WCF OVERLAY ZONES.** Subject to the standards and conditions set forth in Section 23.05, and notwithstanding any provisions of the Zoning Ordinance to the contrary, Wireless Communication Facilities shall be permitted uses in the following circumstances, and in the following overlay zones:

- A. An existing structure which will serve as an Attached WCF within a non-residential or non-agricultural zoning district, where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance; or an existing structure which will serve as an Attached WCF within any zoning district if the accessory building is either not visible from any residence or can be screened to that extent with landscaping and decorative walls or fences and where the existing structure is not, in the discretion of the Zoning Administrator, proposed to be either materially altered or materially changed in appearance.
- B. A proposed co-location on an Attached WCF which has been pre-approved for such co-location as part of an earlier approval by the Township Zoning Administrator.
- C. An existing structure which will serve as an Attached WCF consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
- D. A proposal to establish a new WCF shall be deemed a permitted use if proposed in a Permitted Use WCF Overlay Zone, as shown on the overlay map made a part of this Chapter.

**SECTION 23.3 LEVEL 2 - SPECIAL USES WITHIN SPECIAL USE WCF OVERLAY ZONES.** If it is demonstrated by an applicant that a WCF may not reasonably be established as a permitted use under Section 23.2 and the WCF is, nonetheless required in order to operate a wireless communication service, then, a WCF may be authorized as a special use under the procedures as outlined in Chapter 18, within a Special Use WCF Overlay Zone considering the standards and conditions in Sections 23.05 and 23.6. The Special Use WCF Overlay Zone is as shown on the overlay map made a part of this Chapter.

**SECTION 23.4 LEVEL 3 - SPECIAL USES OUTSIDE OF SPECIAL USE WCF OVERLAY ZONES.**

If it is demonstrated by an applicant that a WCF may not reasonably be established either as a Permitted Use or within a Special Use WCF Overlay Zone, identified in Sections 23.2 and 23.3, then, a WCF may be permitted as a special land use elsewhere in the Township under the procedures and as provided in Chapter 18, subject to the standards and conditions of Sections 23.5 and 23.6, and also subject to the following:

- A. At the time of the submittal, the applicant shall demonstrate that a location within a Permitted Use or Special Land Use overlay zone cannot meet the need required for operation of a system.
- B. Wireless Communication Facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which, at the discretion of the Planning Commission, is found to be most compatible with the existing character of the proposed site, neighborhood and general area.
- C. In site locations outside of a Permitted Use WCF Overlay Zone identified in Section 23.2D. or a Special Use WCF Overlay Zone identified in Section 23.3, above, a WCF shall be considered first on the following sites, subject to application of all other standards contained in this section:
  1. Municipally owned site.
  2. Religious or other institutional site.
  3. Other governmentally owned site.
  4. Public or private school site.
  5. Other locations when locations listed in above Section 23.4 C.1 through 4 are unavailable.

**SECTION 23.5 STANDARDS AND CONDITIONS APPLICABLE TO ALL WCF FACILITIES.** All applications for Wireless Communication Facilities shall be reviewed in accordance with the following standards and conditions, and, if

approved, shall be constructed and maintained in accordance with such standards and conditions and any additional conditions imposed with a special land use approval:

- A. Facilities shall be located, landscaped and designed to be harmonious with the surrounding area. Among other things, all reasonable attempts shall be made and thoroughly explored to utilize existing structures on which to place facilities, i.e., to utilize Attached Wireless Communications Facilities.
- B. Wireless Communication Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions, as confirmed by submission of a certification of compliance by the applicants licensed engineer.
- C. Applicants shall demonstrate a justification of the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- D. The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant (and by other entities to co-locate on the structure). The accessory building used to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.
- E. The setback of a new or materially modified support structure from any residential district shall be at least equal to the height of the support structure. The setback of the support structure from any existing or proposed right-of-way or other publicly traveled road shall be no less than seventy five (75) percent of the height of the structure.
- F. Where the proposed new or materially modified support structure abuts a parcel of land zoned or used for other than residential purposes, the minimum setback of the structure, and accessory structures, from that parcel shall be the greater distance of either 15 feet or the required setbacks for main or principal buildings as established for the zoning district in which the support structure is located and be otherwise sufficient taking into account the information required by Section 23.7C.
- G. When located with direct frontage on a public road, any parcel created for the purpose of siting a new WCF must comply with the minimum lot area and lot frontage and width requirements of the district in which it is located. When located so as not to have direct frontage access, the site shall have access by an easement as required in Section 23.05H below and shall contain a minimum of 25,000 square feet.
- H. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement that is at least 66 feet in width. This access shall have a location determined by such factors as: the location of adjacent thoroughfares, traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and, the type of equipment which will need to access the site.
- I. Notwithstanding the provisions of section 3.20C, an attached WCF may be permitted on any lot and in any zoning district by itself as a principle use or as a structure accessory to another principle use or structure.
- J. Where an Attached WCF is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks. For co-location facilities served by an accessory building, there shall be a single architecturally uniform accessory building for all providers.

- K. The design and appearance of the support structure and all accessory buildings shall be reviewed and approved so as to minimize distraction, reduce visibility from off site, maximize aesthetic appearance including at and from ground level, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the WCF in a neat and orderly fashion.
- L. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geo-technical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use.
- M. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
- N. The use of high intensity (strobe) lighting on a WCF shall be prohibited, and the use of other lighting shall be prohibited absent a demonstrated need.
- O. Applications made which do not include the signature of the licensed operator of a wireless communication service at the time of Township processing may be tentatively approved, but shall not receive final approval unless and until the application has been amended to include a signature on behalf of a licensed operator. A tentative approval shall be valid for ninety (90) days. If, during a ninety (90) day tentative approval period, final approval is granted to authorize a WCF within two miles of the property on which a facility has been tentatively approved, such tentative approval shall thereon expire unless the applicant granted tentative approval demonstrates that it would not be feasible for it to co-locate on the facility that has been newly granted final approval.
- P. The antenna and other attachments on a WCF shall be designed and constructed to include the minimum attachments required to operate the facility as intended at the site, both in terms of number of size of such attachments, and shall be designed and constructed to maximize aesthetic quality.

**SECTION 23.6 STANDARDS AND CONDITIONS APPLICABLE TO SPECIAL USE FACILITIES.** Applications for Wireless Communication Facilities which may be approved as special uses under Sections 23.3 or 23.4, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in Section 23.5, any special use approval conditions, and in accordance with the following standards:

- A. The applicant shall demonstrate the need for the proposed facility to be located as proposed based on the presence of one or more of the following factors:
  1. Proximity to an interstate highway or other major thoroughfare
  2. Areas of population concentration
  3. Concentration of commercial, industrial, and/or other business centers.
  4. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  6. Other specifically identified reason(s) creating facility need.

The proposal shall be reviewed for conformity with the co-location requirements of this section.

**SECTION 23.7 APPLICATION REQUIREMENTS.**

- A. A site plan prepared in accordance with Section 20.9 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.

- B. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure as required by the standards and conditions set forth in Section 23.5.
- C. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- D. The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash or (2) irrevocable letter of credit.
- E. The application shall include a map showing existing and known proposed WFC within the Township, and further showing existing and known proposed WFC within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed.
- F. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- G. The application fee, in the amount specified by Township Board Resolution.
- H. The owner or duly authorized representative of all ownership interest in the land on which the WCF is proposed to be located shall sign the application. In addition, if a licensed entity intended to be the operator of the facility does not sign the application, approval shall be restricted as provided in Section 23.5 O.

**SECTION 23.8 CO-LOCATION.** It is the policy of the Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the community, and encourage the use of existing structures for Attached WCF purposes, consistent with the statement of purpose and intent, set forth in Section 23.1. Each licensed provider of a WCF must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of Wireless Communication Facilities reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should co-locate on Attached Wireless Communication Facilities and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, and Section 23.1. If a provider fails or refuses to permit co-location on a facility owned or otherwise controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to

the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

A. Feasibility of Co-location: Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:

1. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location. For purposes of this standard and the demonstration required under Section 23.8,B,1, “market rent or other market compensation” means an amount and/or form of compensation or consideration that represents the amount that knowledgeable persons, acting in good faith, after reasonable negotiations would agree on.
2. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
3. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, give inappropriate physical and other adjustment in relation to the structure, antennas, and the like.
4. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the intent and purpose of this section and the several standards contained in Sections 23.5 and 23.6.

B. Requirements for Co-location:

1. A special use permit for the construction and use of a new WCF shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs. In determining whether an applicant has undertaken to pay “market” rent or other market compensation for co-location”, consideration shall be given to whether the applicant’s claim is supported by the opinion, award, determination or recommendation of a qualified, fully informed and disinterested third person such as an arbitrator or mediator, with a rebuttable presumption that absent such support, the applicant has not undertaken to pay market rent or other market compensation for co-location.
2. All new and modified Wireless Communication Facilities shall be designed and constructed so as to accommodate co-location.
3. The policy of the Township is for co-location. Thus, if a party who owns or otherwise controls a WCF shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereon and thereafter be deemed to

be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

4. If a party who owns or otherwise controls a WCF shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new wireless communication support structure, the party failing or refusing to permit a feasible co-location shall be deemed to be in direct violation an contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new Wireless Communication Support Structure within the Township for a period of five years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.
5. Incentive: Review of an application for co-location, and review of an application for a permit for use of a facility permitted under Section 23.2, shall be expedited by the Township.

#### **SECTION 23.9 REMOVAL.**

- A. A condition of every approval of a WCF shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- B. The situations in which removal of a facility is required, as set forth in Section 23.9 A, may be applied and limited to portions of a facility.
- C. On the occurrence of one or more of the events requiring removal, specified in Section 23.9(A), the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- D. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn, collected and/or enforced from or under the security posted at the time application was made for establishing the facility.



The person who had used the facility shall immediately notify the Township Clerk in writing if and as soon as use of a facility ceases.

WCF MAP

## CHAPTER 24 SIGNS

**SECTION 24.1 DESCRIPTION AND PURPOSE.** This Chapter is intended to regulate the size, number, location and manner of display of signs in Jamestown Charter Township in a manner consistent with the following purposes.

To protect and further the health, safety and welfare of residents, property owners and visitors.

To prevent traffic hazards and pedestrian accidents caused by signs which obstruct vision, distract or confuse drivers, or are improperly secured or constructed.

To conserve and enhance community character.

To promote uniformity in the size, number or placement of signs within districts.

To promote the economic viability of commercial areas by minimizing visual clutter and allowing for proper placement of signs to safely direct motorists to their destination.

To balance the public's right to be informed and its desire to avoid visual pollution and hazardous conditions with the rights of businesses and other non-business uses to communication.

To allow signage for the expression of personal messages, and additional signage while certain events are taking place to allow the opportunity for publicity and the expression of messages and viewpoints, balanced with the retention of residential character in residential districts and the limitation of visual clutter and the number and size of signs.

To regulate signage based on the activity taking place on the property and location, and not on the content of the signs.

### SECTION 24.2 DEFINITIONS.

- A. Awning: A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building. An awning is the same as a canopy.
- B. Awning Sign: A sign affixed to the surface of an awning.
- C. Balloon Sign: A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner Sign: A portable sign of fabric, plastic, or other non-rigid material without an enclosing structural framework.
- E. Billboard: Any sign exceeding 32 square feet which is not located on a parcel in which another principal use is located.
- F. Changeable Copy Sign: "Changeable copy sign" means one of the following:
  - 1. Manual. A sign on which a copy is changed manually, such as reader boards with changeable letters or pictorials; or

2. Automatic. An electrically controlled sign, where different copy changes are shown on the same unexposed lamp bank or rotating portion of the face of the sign, used as a message center reader board.
- G. Commercial Establishment - A business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.
- H. Copy: The wording on a sign surface in either removable or permanent letter form.
- I. Directory Sign, On Site: A sign which has the purpose of giving directions, instructions, or facility information for the use of the lot on which the sign is located, such as parking or exit and entrance signs, "help wanted" signs, street address signs, signs designating accessible features, signs providing public safety information, restroom signs, and signs providing hours of operation.
- J. Flag Sign: A sign made of fabric which is attached at one or two sides to a pole, not including flags with insignia of any nation, state, Township, community organization or educational institution, and not including flags which have exclusively a decorative or non-commercial purpose. The term includes what is commonly referred to as a "Feather Sign".
- K. Freestanding Sign: A sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground.
- L. Government Sign: A permanent sign on public property or in the public right of way which is (i) erected by, (ii) required to be erected by, or (iii) erected at a specified location with express permission given for a specific sign from, either Jamestown Township, Ottawa County, the State of Michigan or the Federal government.
- M. Ground Sign: A freestanding sign supported by a base which rests directly on the ground. The width of the base shall be at least 50 percent of the width of the sign in order to be a ground sign.
- N. Incidental Sign: A sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. a credit card sign, signs on gas pumps.
- O. Memorial Sign: A sign, tablet, or plaque memorializing a person, event, structure or site which is owned, erected, or authorized by the state, county or township government, or a recognized historical institution.
- P. Mural: A design or representation painted or drawn on a wall for decorative purposes only which does not advertise an establishment, product, service, or activity.
- Q. Nameplate: A non-illuminated, on-premise sign giving only the name, address and/or occupation of a building or an occupant or group of occupants.

- R. Personal Sign. A non-illuminated sign with a message of the property occupant's choosing, made of corrugated plastic or fiberboard, cardboard, paper, plastic or similar material mounted to the ground by a wire frame or by wooden or metal stakes, or attached to an object, either of which can be installed without tools or with hand tools. The term also includes a sign which meets the definition of a Banner or Flag Sign. The term does not include a Balloon or Portable Sign.
- S. Placard: A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing", "No Hunting" signs or "Gas Main" signs.
- T. Pole Sign: A free standing sign which is supported by a structure, or poles, or braces which are less than 50 percent of the width of the sign.
- U. Portable or Temporary Sign: A sign that is not intended to be permanently affixed to the ground or a building or structure and by its nature may be or is intended to be moved from one location to another such as rigid face frame signs or signs on moveable trailers, devices such as banners, pennants, flags signs, search lights, twirling or sandwich type signs, sidewalk or curb signs, and balloons or other air or gas filled figures. The term does not include a Personal Sign.
- V. Projecting Sign: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.
- W. Reader Board: A portion of a sign on which copy is changed manually.
- X. Roof Line: The top of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- Y. Roof Sign: A sign erected above the roof line of a building.
- Z. Sign: A device, structure, fixture, or placard which may or may not use graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity or otherwise intended or used to advise or inform.
- AA. Wall Sign: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of a wall to which it is attached.
- BB. Window Sign: A sign installed inside a window and intended to be viewed from the outside.
- CC. Vehicle Sign: A sign located on or attached to a vehicle which is primarily located or used to serve as a sign rather than as transportation. This includes, but is not limited to, automobiles, trucks, boats or airplanes and semi-trailers either attached or detached from a truck tractor. A sign is presumed to be a vehicle sign if it is not regularly used for transportation or delivery by the business which it advertises.

**SECTION 24.3 SIGNS PROHIBITED.** A sign not expressly permitted by this Ordinance is prohibited. The following types of signs are expressly prohibited:

- A. Balloon, strings of light bulbs, pennants or streamers.
- B. Portable signs or Flag Signs except as may be expressly permitted herein.

- C. Balloon signs.
- D. Any sign, including window signs, which has flashing, moving, oscillating or blinking lights excluding automatic changeable copy signs and barber poles which are permitted.
- E. Roof signs.
- F. Vehicle signs

**SECTION 24.4 ADDITIONAL SIGNS ALLOWED IN ALL ZONING DISTRICTS AT ALL TIMES.** The following signs are permitted on a lot at all times and in all zoning districts, in addition to other signs permitted by this ordinance. These signs are not required to obtain sign permits, but they are subject to the regulations of Section 24.6.

- A. Official traffic sign erected by a government agency.
- B. Government signs.
- C. Window signs.
- D. Memorial signs.
- E. Murals.
- F. Signs not visible from any street.
- G. On Site Directory Signs, Signs for essential services, Placards, Incidental Signs and Nameplate Signs two square feet in area or less, of a number no greater than necessary to perform their intended function.
- H. Decorative graphics related to the object or building to which they are affixed, such as gasoline pump graphics, newspaper box signs, insignia of medical or other professions, and barber poles.
- I. Flags or insignia of any nation, state, Township, community organization or educational institution or other flags of which have exclusively a decorative or non-commercial purpose.
- J. In the residential zoning districts, two Personal Signs per lot with an area not to exceed 6 square feet in area each and a height of 4 feet and set back a minimum of 10 feet from side and rear lot lines.
- K. In the commercial or industrial zoning districts, one Personal Sign per lot with an area not to exceed 6 square feet in area each and a height of 4 feet, or 18 square feet in area and 10 feet in height for a Flag Sign, and set back a minimum of 10 feet from side and rear lot lines.

**SECTION 24.5 ADDITIONAL SIGNAGE PERMITTED DURING THE DURATION OF CERTAIN EVENTS.** In addition to the signs permitted by other provisions of this Chapter, the following additional signs are permitted in certain locations during the duration of certain events. These signs are not required to obtain sign permits, but they are subject to the regulations of Section 24.6.

- A. While a premises is being actively marketed for sale or lease, and until 30 days thereafter, one sign not to exceed 32 square feet in area per frontage on an abutting street. The sign shall not exceed 6 feet in height and shall be set back a minimum of 10 feet from all lot lines.
- B. For seven days prior to and while a garage sale, estate sale, or farm market sale is ongoing on the premises and until two days after the event is concluded, one sign not to exceed 32 square feet in area per frontage on an abutting street. The sign shall not exceed 6 feet in height and shall be set back a minimum of 10 feet from all lot lines, and may be a portable sign.
- C. After a building permit has been issued for an improvement on the premises and construction activity has begun, and while construction is ongoing and until two days after a certificate of occupancy has been issued, one sign not to exceed 32 square feet in area per frontage on an abutting street. The sign shall not exceed 6 feet in height and shall be set back a minimum of 10 feet from all lot lines.
- D. After land use approval has been given and construction is ongoing for a subdivision, site condominium, or other development containing more than 4 sites, and until 2/3 of the sites within that development have been sold, on sign per frontage on an abutting street not to exceed 32 square feet in area. The sign shall not exceed 6 feet in height and shall be set back a minimum of 10 feet from all lot lines.
- E. In a commercial district, and on properties in residential districts which are lawfully devoted to non-residential uses, for seven days prior to and during special events having a duration not to exceed 7 days (such as a sale, festival, dinner, play, sign-up or other special event), and two days after the event is concluded, one sign not to exceed 32 square feet in area per frontage on an abutting street. The sign shall not exceed 6 feet in height and shall be set back a minimum of 10 feet from all lot lines and may be a Portable Sign.
- F. During a period of 60 days before an election to be held in the Township, and 7 days thereafter (i) one Personal Sign per frontage on a abutting street of a size not to exceed 32 square feet in area and 6 feet in height and set back a minimum of 10 feet from all lot lines, and (ii) additional Personal Signs not limited as to number of a size not to exceed 6 square feet in area each and 4 feet in height and set back a minimum of 10 feet from side and rear lot lines.
- G. In the AR Agricultural District, if the commercial production of agricultural products (as defined by Michigan's Right to Farm Act) is taking place on the property, then 2 additional signs, one not exceeding 32 square feet in area, and a second not exceeding 6 square feet in area per frontage, are permitted.

**SECTION 24.6 PROVISIONS APPLICABLE TO ALL SIGNS.** Unless a different regulation is provided by this Ordinance for a specific sign or location, the following apply to all signs in the Township:

- A. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the weather.

- B. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- C. Signs shall be constructed to withstand all wind and vibration forces normally expected to occur in the vicinity.
- D. Unless illumination is specifically prohibited, signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. Signs shall not be placed in, on or over any public right-of-way, or alley, except for government signs, memorial signs, or traffic control signs. Signs unlawfully in a public right of way may be removed by the Township, stored at a location designated by the Township, and will be considered abandoned and may be disposed if not claimed within 30 days.
- F. Signs shall not be placed on property without the property owner’s permission.
- G. A light pole, or other support structure not specifically designed as sign support structure may not be used for the placement of any sign unless specifically approved for such use.
- H. A sign shall not be erected whereby reason of its position, shape, color, or other characteristics, interfere with, obstruct or be confused with an official traffic sign, signal, or device.
- I. A sign shall not contain flashing, moving or animated parts or have the appearance of having flashing, moving or animated parts except for digital signs or barber pole signs.
- J. A wall sign shall not extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- K. A sign and its supporting mechanism shall not extend beyond the lot lines of the property on which it is located.
- L. All wall and freestanding signs may include reader boards.
- M. Any pole sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
- N. Subject to Constitutional or other protections on freedom of expression, signs shall not exhibit obscene language or content, depictions of unclothed sexual organs or female breasts, or include grossly offensive language or language that constitutes “fighting words”.
- O. Digital signs, which display graphics in whole or in part by lights, video screen, light emitting diodes or similar technology shall be permitted provided that the following restrictions are met:
  1. Brightness: The sign shall not display light of such intensity or brilliance to cause glare or otherwise impair the vision of drivers. Digital sign light intensity exceeding the following intensity levels (NITS) will constitute excessive brilliance or intensity.

INTENSITY LEVELS (NITS)		
Color	Daytime	Nighttime



Red Only	3150	1125
Green Only	6300	2250
Amber Only	4690	1675
Full Color	7000	2500

2. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been preset not to exceed the 7000 NITS permitted herein and that the intensity level is protected from end user manipulation by password protected software.
3. The minimum interval between sign copy and other graphic change shall be eight (8) seconds.

### SECTION 24.7 SIGN PERMITS AND APPLICATION.

- A. Permits Required. A sign permit shall be required for the erection, use, construction or alteration of all signs except those listed in Section 24.4 and 24.5. For purposes of this section, alteration shall mean any change to an existing sign including changing the copy to promote, advertise, or identify another use. Alteration shall not mean normal maintenance of a sign.
- B. Application. An application for a sign permit shall be made to the Township Zoning Administrator along with a fee as required by Township Board resolution. The application, at a minimum, shall include the following:
  1. Name, address, and telephone number of applicant and the person, firm or corporation erecting the sign.
  2. Address or permanent parcel number of the property where the sign will be located.
  3. A sketch showing the location of the building, structure, or lot on which the sign is to be attached or erected and showing the proposed sign in relation to buildings and structures along with setback from lot lines.
  4. Two blueprints or drawings of the plans and specifications, method of construction and attachment to structures or ground, stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction of not less than 30 pounds per square foot of area.
  5. Any required electrical permit shall be attached to the application.
  6. The zoning district in which the sign is to be located.
  7. For a pole sign which is to be 20 feet or higher design plans sealed by a professional engineer shall be submitted with the application.
  8. Any other information which the Zoning Administrator may require in order to demonstrate compliance with this Ordinance.
  9. Signature of applicant or person firm or corporation erecting the sign.
- C. Electrical Signs. All signs requiring electrical service shall be reviewed for compliance with the Township's electrical code. Approval of electrical signs shall be noted on or attached to the sign permit.

- D. Issuance of Sign Permit. The Zoning Administrator shall issue a sign permit if all provisions of this Ordinance and other applicable Township Ordinances are met. A sign authorized by a permit shall be installed or under construction within six months of the date of issuance of the sign permit or the permit shall expire. A new permit may be issued on filing of a new application and fee.

**SECTION 24.8 BILLBOARDS.** Billboards shall be permitted only on lands in the B/I Industrial District directly adjacent to a state highway and subject to the following:

- A. Not more than three (3) billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Jamestown Charter Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) or stacked billboard faces (i.e., two parallel billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "B" below.
- B. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
- C. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboards illuminated, this required distance shall instead be three hundred (300) feet.
- D. No billboard shall be located closer than seventy-five (75) feet from a property line adjoining a public right-of-way or ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- E. The surface display area of any side of a billboard may not exceed three hundred (300) sq. feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed three hundred (300) sq. feet.
- F. The height of a billboard shall not exceed 30 feet above; (1) the grade of the ground on which the billboard sits or, (2) the grade of the abutting roadway, whichever is higher.
- G. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- H. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be

maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.

- I. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated there under, as such may from time to time be amended.

#### **SECTION 24.9 NONCONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NONCONFORMING USES.**

- A. Every legal permanent sign which does not conform to the height, size, area or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
- B. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. A nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- D. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the District in which the property is located.

#### **SECTION 24.10 MEASUREMENT OF SIGNS.**

- A. Unless otherwise specified within this Ordinance for a particular type of sign, the area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- B. The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- C. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

#### **SECTION 24.11 RESERVED [Reserved].**

**SECTION 24.12 AR AGRICULTURAL DISTRICT.** The following signs are permitted in the Rural Agricultural Zoning Districts.

- A. HOME OCCUPATIONS. On premises while a lawful home occupation is being conducted, one non-illuminated sign not exceeding: (i) two square feet in area if the speed limit of the adjacent street is 35 mph or less; or (ii) six square feet in area if the speed limit is 35 mph or more. The sign shall be located either flat against the wall of the structure or attached to a mailbox post.
- B. WALL SIGN – On premises where permitted uses other than dwellings or Home Occupations are located:
  - 1. One sign per street frontage to be placed on that side of the building which directly faces the street.
  - 2. A wall sign shall not exceed 100 square feet.
- C. GROUND SIGN – On premises where permitted uses other than dwellings or Home Occupations are located:
  - 1. One per parcel not to exceed 32 square feet in area.
  - 2. The height of a ground sign shall not exceed six feet above grade.
  - 3. Ground signs shall be setback a minimum of 10 feet from the front lot line and a minimum of 50 feet from all other lot lines.
- D. POLE SIGNS. Permitted only for Special Land Uses in the Agriculture Zoning District and only if the proposed use is located on an expressway or major arterial as identified in the Jamestown Charter Township Master Plan.
  - 1. Pole signs shall not exceed 64 square feet in area and 25 feet in height.
  - 2. Pole signs shall be setback a minimum of 26 feet from the front lot line and a minimum of 100 feet from all other lot lines.

**SECTION 24.13 RESIDENTIAL DISTRICTS.** The following signs are permitted in the R1, R2, R3 and R4 Zoning Districts.

- A. HOME OCCUPATIONS. On premises while a lawful home occupation is being conducted, one non-illuminated sign not exceeding: (i) two square feet in area if the speed limit of the adjacent street is 35 mph or less; or (ii) six square feet in area if the speed limit is 35 mph or more. The sign shall be located either flat against the wall of the structure or attached to a mailbox post.
- B. WALL SIGN. On premises where permitted uses other than dwellings or Home Occupations are located:
  - 1. One sign per street frontage to be placed on that side of the building which directly faces the street.
  - 2. A wall sign shall not exceed 100 square feet.
- C. GROUND SIGN - For residential subdivisions or site condominiums, multiple family developments, elderly housing, mobile home or manufactured home parks, schools, churches or other permitted non-residential uses:
  - 1. One per parcel not to exceed 36 square feet in area.
  - 2. The height of a ground sign shall not exceed six feet above grade.
  - 3. Ground signs shall be setback a minimum of 26 feet from all lot lines.

4. For residential subdivisions, the following regulations shall apply:
  - a) A ground sign is permitted only if a subdivision or homeowners association is established and provisions are made for such an association to maintain the sign.
  - b) Ground signs shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or similar decorative material in order to reflect and enhance the residential character of the area.

**SECTION 24.14 COMMERCIAL DISTRICTS.** The following signs are permitted in the C1, C2 and C3 Zoning Districts.

**A. WALL SIGNS AND CANOPY SIGNS**

1. Each commercial establishment or tenant space in a multi-tenant building may be permitted to have one wall or canopy sign. For each establishment or tenant on a corner lot, one wall sign or canopy sign per public or private street frontage is permitted. Each building or tenant space shall have no more than one sign per wall. Wall and canopy signs shall be further subject to the following:
  - (a) Commercial buildings or tenant spaces with 0 to 70 lineal feet of wall fronting a public street are permitted a sign area not to exceed one and one-half (1-1/2) square feet for every one lineal foot of wall fronting the public street. For those commercial buildings or tenant spaces with less than 32 feet of lineal wall frontage, a sign of up to 48 square feet is permitted. (See Schedule A)
  - (b) In addition to the sign area identified above, commercial buildings or tenant spaces with more than 70 lineal feet of wall fronting a public street are permitted an additional sign area equal to one and one-half (1 1/2) square feet for every three lineal feet in excess of 70.
2. Wall signs or canopy signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or other non-residential zoning district.
3. The sign shall be attached to the same wall which was used to determine its size.

**B. FREESTANDING SIGN - One ground sign or one pole sign per lot or development subject to the following regulations:**

1. Pole Sign
  - (a) The sign shall be limited to a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building line. This area may be increased by two percent (2%) for each increment of one foot that the sign setback exceeds the minimum sign setback of this section, up to a maximum of 160 square feet.
  - (b) Pole signs shall be located outside the right-of-way and ten (10) feet from all other lot lines.
  - (c) Pole signs shall not exceed 25 feet of height and shall have a minimum height between the bottom of the sign and the ground of eight feet. The

support structure(s) for a pole sign shall not be more than three feet wide on any one side.

- (d) The design plans for any pole sign which is 20 feet or higher, shall be sealed by a professional engineer to ensure the structural integrity of such signs for the safety of the public.

2. Ground Signs - A sign of up to 50 square feet shall be permitted for each lot or development and shall also be subject to the following:

- (a) The height of a ground sign shall not exceed six feet above ground.
- (b) Ground signs shall be located outside the right-of-way and no less than 15 feet from the side or rear lot lines. In addition, the placement of ground signs shall conform to the requirements of Section 24.6(h) herein.

C. FLAG SIGNS – One per lot not to exceed 24 square feet. The flag sign shall be displayed on a pole. If the flag sign shares the same pole as the United States flag, the flag sign shall be the smaller.

**SECTION 24.15 “B/I” BUSINESS AND INDUSTRIAL AND I-2 PLANNED INDUSTRIAL DISTRICTS.** The following signs are permitted in the B/I and I2 zoning districts.

A. WALL SIGNS

- 1. Each industrial building or establishment may be permitted to have one wall or canopy sign. For each industrial building or establishment on a corner lot, one wall sign per public or private street frontage is permitted. Each industrial building or establishment shall have no more than one sign per wall.
- 2. The size of the wall or canopy sign shall be subject to the following regulations:
  - (a) For those industrial buildings or establishments with less than 125 feet of lineal wall facing a street, a sign of up to 50 square feet is permitted. Industrial buildings or establishments with 125 to 250 lineal feet of wall frontage facing a street are permitted a sign area not to exceed one square foot for every two and one-half (2-1/2) lineal feet of wall frontage. (See Schedule B).
  - (b) Sign area equal to one square foot for every five lineal feet of wall frontage facing a street in excess of 250 is permitted in addition to the above.
- 3. Wall signs and canopy signs shall not face a residential zoning district unless the district and the building are separated by a public or private street or another non-residential zoning district.
- 4. The sign shall be attached to the same wall which was used to determine its size.

B. GROUND SIGN – One ground sign per lot may be permitted subject to the following regulations:

- 1. The sign shall not exceed 50 square feet in area.
- 2. The height of a ground sign shall not exceed six feet in height.

3. Ground signs shall be located outside the right-of-way and setback a minimum of 15 feet from side and rear lot lines. In addition, the placement of ground signs shall conform to the requirements of Section 24.6(h) herein.
- C. INDUSTRIAL PARK IDENTIFICATION SIGN – One sign may be erected at each industrial park entrance in accordance with the requirements for ground signs to identify the park and the industries within. Such signs may be ground signs or attached to a wall and shall be constructed primarily with carved wood, brick, stone wrought iron, terra cotta, glazed tile or other similar decorative material. Such signs shall be appropriately landscaped with low level lighting.
- D. FLAG SIGNS – Each flag sign shall not exceed 24 square feet and shall be displayed on a pole. If the flag sign shares a pole with the United States flag, the flag sign shall be the smaller of these two flags. More than one flag sign is permitted.
- E. BILLBOARD SIGNS – As only allowed within the “B/I” Business/Industrial District under the provisions of this Chapter.

**SCHEDULE A**  
**Area of Wall Sign**  
**per Section 24.14B**  
**(Commercial Districts)**

Lineal Feet of Wall To Which the Sign is <u>Attached</u>	Permitted Sign Size ( <u>sq. ft.</u> )	Lineal Feet of Wall To Which the Sign is <u>Attached</u>	Permitted Sign Size ( <u>sq. ft.</u> )
0-32	48.0	51	76.5
33	49.5	52	78.0
34	51.0	53	79.5
35	52.5	54	81.0
36	54.0	55	82.5
37	55.5	56	84.0
38	57.0	57	85.5
39	58.5	58	87.0
40	60.0	59	88.5
41	61.5	60	90.0
42	63.0	61	91.5
43	64.5	62	93.0
44	66.0	63	94.5
45	67.5	64	96.0
46	69.0	65	97.5
47	70.5	66	99.0
48	72.0	67	100.5
49	73.5	68	102.0
50	75.0	69	103.5
		70	105.0
		Over 70	1 sq. ft. for every 3 feet over 70



**SCHEDULE B**  
**Area of Wall Sign**  
**per Section 24.15B**  
**("B/I and I-2 Industrial Districts)**

Lineal Feet of Wall To Which the Sign is <u>Attached</u>	Permitted Sign Size (sq. ft.)	Lineal Feet of Wall To Which the Sign is <u>Attached</u>	Permitted Sign Size (sq. ft.)
0-125	50	190.0	76
127.5	51	192.5	77
130.0	52	195.0	78
132.5	53	197.5	79
135.0	54	200.0	80
137.5	55	202.5	81
140.0	56	205.0	82
142.5	57	207.5	83
145.0	58	210.0	84
147.5	59	212.5	85
150.0	60	215.0	86
152.5	61	217.5	87
155.0	62	220.0	88
157.5	63	222.5	89
160.0	64	225.0	90
162.5	65	227.5	91
165.0	66	230.0	92
167.5	67	232.5	93
170.0	68	235.0	94
172.5	69	237.5	95
175.0	70	240.0	96
177.5	71	242.5	97
180.0	72	245.0	98
182.5	73	247.5	99
185.0	74	250.0	100
187.5	75	Above 250	1 sq. ft. for every 5 lineal ft. in excess of 250

Section 1. Home Occupations – Signage. The provisions for signs for home occupations being incorporated under Chapter 24, Section 3.4 of the Jamestown Township Zoning Ordinance, is hereby amended by the deletion in its entirety of Subsection C., and the renumbering of Subsections D. through J. as C. through I.

**CHAPTER 25 ACCESS MANAGEMENT REGULATIONS**

**SECTION 25.1 INTENT.**

The intent of this Chapter is to provide standards to facilitate traffic operations and improve public safety along the arterial roadways as identified in this Chapter. The standards herein are intended to protect health and safety of drivers and pedestrians, the public investment in arterial roadways and to minimize traffic congestion and personal property damage. In accomplishing the above objectives, it is also necessary that property owners be provided with reasonable access to abutting roadways. Under the terms of this Ordinance, reasonable access shall not be construed to denote or imply a right of a particular land use to have direct individual access to the arterial street. The standards are enacted as being consistent with the policies and recommendations of the Jamestown Charter Township General Development Plan.

**SECTION 25.2 APPLICABILITY:**

The standards and regulations of this Chapter shall apply to Commercial and Industrial zoning districts having frontage on an arterial roadways as identified in this Chapter. All land uses within a C, B-I or I-2 District along such roadways for which development approval is required from the Jamestown Charter Township Planning Commission and/or Township Board, shall be subject to these standards and regulations.

The provisions contained herein shall apply to commercial and industrial property having frontage on the following designated streets:

Jackson St.	Angling Rd.	Ransom St.
Adams St.	Quincy Street	Riley Street
Chicago Drive	Byron Rd.	Perry Street
Kenowa Ave.	8th Ave.	16th Ave.
22nd Ave.	24th Ave.	32nd Ave.
36th Ave.	40th Ave.	48th Ave.

In addition to meeting the standards and regulations of this Chapter, approvals may also be required from the Michigan Department of Transportation and the Ottawa County Road Commission. In such instance that there is a conflicting standard, the most stringent shall apply.

**SECTION 25.3 GENERAL ACCESS REQUIREMENTS:**

A. **Authority** - The Planning Commission or Township Board, as the case may be, shall have the authority to require a front or rear service drive for contiguous parcels along arterial streets. The approving body shall also have the authority to limit the number of driveways for a site, to determine and set grades for driveways and parking lots, to require that parking lots on contiguous parcels be connected, that driveways for contiguous parcels be shared, that opposite driveways be directly aligned and that specific turning movements be restricted or prohibited.

In determining whether to impose the aforementioned access control measures, the following criteria may be considered:

1. The type and location of commercial uses on the site and adjacent to the site.
2. The location, size and design of existing and proposed parking areas.
3. The existing and projected traffic volume on the roadway and adjacent roadways.
4. Compatibility between adjacent land uses and likelihood of change or expansion.
5. Number of parcels involved, location of lot lines and amount of road frontage.
6. Topography and site distance along adjacent roadways and on the site.
7. Distance from intersections.

8. Location of driveways opposite the site.
9. Width of roadway and number of lanes.
10. Environmental limitations (steep slopes, water, or vegetation).
11. Sufficient building setback.
12. Any specific recommendations of the Township General Development Plan.
13. The results of the traffic impact assessment or study, if conducted.

**B. Number of Driveways**

1. Unless otherwise warranted under the provisions of paragraph (2) below, access to an arterial road for an individual parcel or two contiguous parcels under the same ownership, shall be limited to either a single two-way driveway or a paired driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other, egress traffic.
2. For developments having less than 300 feet of frontage, where it is demonstrated that the combined driveway approach volumes (entering and exiting) will exceed 3,000 vehicles during an average day or will be used by at least 300 vehicles during the peak hour of traffic, a second driveway may be allowed along the arterial road, provided that the parcel lacks access to secondary streets and the additional driveway can meet the spacing standards of this Chapter.
3. For parcels with arterial frontage of at least 300 feet, an additional driveway may be allowed, with another driveway allowed for each 300 feet of frontage thereafter, provided that these driveways meet the spacing standards of this Chapter.
4. Where parcels have dual frontage on both a side (cross) street and arterial street, access shall be provided off the secondary street. If the parcel has a minimum of 300 feet of arterial frontage, additional access may be allowed along the arterial, provided that the access meets the spacing standards of this Chapter.

**C. Temporary and Shared Driveways, Rear Service Drives, Parking Lot Connections and Front Service Drives**

1. Shared Driveways: Sharing or joint use of a driveway by two or more properties may be required. In cases where access is restricted by the driveway spacing requirements of this Chapter, a shared driveway may be the only access allowed. The shared driveway shall be constructed, as near as practical to straddle the common property line. A written easement and maintenance agreement shall be provided and legally recorded with the Ottawa County Register of Deeds which allows traffic to travel across one parcel to access another, and access the public street.
2. Temporary Driveways: In cases where a parcel is not to be allowed to have permanent direct driveway access onto the arterial road due to a planned or a required shared drive, parking lot connection, frontage road or rear service drive, a temporary direct access may be granted if the adjoining parcels are undeveloped. Approval of a temporary driveway permit by the Approving body shall specify the future means and location of the permanent access, as well as when such access will be provided. The property owner shall record with the Township and the Ottawa County Register of Deeds, a temporary access agreement noting these items as well as a statement that the temporary driveway will be closed at no cost to the Township at such time as access becomes available through the development of adjoining properties.
3. Rear Service Drives and Parking Lot Connections:
  - (a) Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots unless waived as determined by the approving body according to the criteria of

Section 25.3 above. For developments adjacent to vacant properties, the site shall be designed and graded to provide for a future connection.

- (b) In locations where connections to a side street is available developers may be required to construct a rear service drive. Connecting the parking area to parking areas on adjacent parcels may also be required. For parcels having rear access drives, direct driveway connections to the arterial street may also be allowed if the direct driveways meet the spacing requirements of this Chapter.
  - (c) If a parcel with an established commercial or business use is divided to allow for an additional commercial or business use, an additional driveway for that use will only be permitted if the driveway spacing requirements of this Chapter are met. Both the original and the additional use shall be required to construct an adjoining connected parking lot and may be required to construct a connecting rear service drive.
  - (d) As existing contiguous parcels that now support residential uses convert to commercial use (or any other use for which site plan review is required), the construction of rear or front service drives or connected parking lots may be required. As additional contiguous parcels convert to commercial use, they shall be required to construct additional segments of the service drive. These parcels will overtime be served by common driveway access, the placement of which shall be determined by driveway spacing standards contained herein.
4. Front Service Drives: Front service drives may be required for locations where construction of rear service driveways is not practical.
- (a) In cases where a front service drive exists or is proposed on an approved site plan for an adjoining lot or parcel, access shall be provided via the service road. Temporarily direct access may be permitted under Section 25.3C(2).

**D. Design and Construction**

- 1. Rear and front service drives required under this Chapter shall be constructed to the following standards:
  - (a) A minimum width of 26 feet, measured edge to edge or face to face of curb with an approach width of 39 feet at intersections with driveways.
  - (b) The geometrics of rear or front service drive intersections with the public street shall be approved by the Ottawa County Road Commission.
  - (c) Front service drives shall have a minimum setback of 30 feet from the right-of-way to the edge of pavement or curb, with a minimum of 60 feet of storage at the intersection for entering and exiting vehicles as measured from the pavement edge. At driveways where it is found that traffic volumes will exceed 1,000 vehicles per day, a minimum of 80 feet of stacking space shall be required.
  - (d) A front or rear service drive intersection with a side street shall be at least 250 feet from the centerline of the nearest intersecting arterial street.
  - (e) Parking shall be prohibited along two-way service drives. One-way or two-way drive designed with additional width for parallel parking may be allowed if it is demonstrated through traffic studies that on-street parking will not significantly affect the safety or operation of the rear or front service drive. Perpendicular or angle parking along either side of a designated front or rear service drive shall be prohibited.
- 2. Curb radii:

- (a) Driveways shall be designed with minimum 25 foot radii where primarily passenger vehicle traffic is expected.
  - (b) For sites where truck traffic is expected, the driveways shall be designed with minimum 35 foot radii.
3. Deceleration lanes and tapers:
- (a) Right turn taper, deceleration lane and/or left turn bypass lane may be required to be built according to the standards of the Ottawa County Road Commission, as determined by the Approving body or the Ottawa County Road Commission.
  - (b) For driveways located along streets without an exclusive left turn lane, a bypass lane may be required. Such a lane shall be determined by and designed to the standards utilized by the Ottawa County Road Commission.

**SECTION 25.4 DRIVEWAY SPACING AND LOCATION:**

Driveways shall be located according to the following standards:

- A. Driveway spacing and location from intersections.
  - 1. Driveway spacing from intersections shall be measured from the centerline of the driveway to the edge of the travel lane of the intersecting street, measured along the right of way line.
  - 2. The minimum distance between a driveway and an intersecting street shall be based on the following:

**TABLE 25.1  
DRIVEWAY SPACING FROM STREET INTERSECTIONS**

<u>Intersecting Street</u>	<u>Full Movement Driveway</u>	<u>Channelized for right-turn-in right or turn-out only</u>
Arterial or any signalized street	250 feet	100 feet
Other non-signalized street	100 feet	75 feet

- B. Driveway Spacing From Property Lines And Other Driveways
  - 1. There shall be minimum spacing of 25 feet between the centerline of a driveway and an adjacent property line. This requirement does not apply to shared driveways.
  - 2. Minimum driveway spacing requirements shall be determined based on posted speed limits along the parcel frontage, as indicated in Table 25.2. These spacings are based on average vehicle acceleration and deceleration rates and are intended to maintain safe traffic operation. \*The spacing is measured from the centerline of the proposed driveway to the centerline of the nearest existing driveway both measured at the street right of way line.

**TABLE 25.2  
REQUIRED SPACING BETWEEN DRIVEWAYS**

<u>Legal Driving Speed Limit on the Public Roads which Adjoin or Abuts the Proposed Driveway (MPH)</u>	<u>Minimum Spacing (feet)*</u>
25 mph or less	100
30	125

35	150
40	185
45	230
50 or over	275

3. In the event that a particular existing parcel or parcels of record lack sufficient road frontage to maintain the required spacing, the landowner(s) must seek relief in the following sequence of procedures:
  - (a) The landowner and an adjacent landowner are encouraged to establish a shared driveway, thus eliminating the need for at least one access point to the adjacent properties.
  - (b) On demonstrating to the approving body by way of written documentation of contact with the adjacent property owner, an inability to achieve a shared driveway, the landowner may seek a reduction of minimum spacing from the approving body. The approving body may allow the next lowest classification in Table 25.2, above. For example, on a 40 mph road requiring 185-foot spacing, the distance may be reduced to 150 feet, which is the standard for a 35 mph road facility.
  - (c) On showing of failure to achieve any of the above, the landowner may seek a variance from the above standards through the Zoning Board of Appeals.
  - (d) In granting a reduction in the minimum spacing as contemplated in subparagraph (b), or a variance as contemplated in subparagraph (c), the approving body may, as conditions of approval, require that the approved driveway be temporary and/or that the subject landowner agree to remove the driveway and participate in a shared driveway with an adjacent landowner in the future. The landowner may be required to deposit a letter of credit covering the cost of temporary driveway removal and up to fifty percent of the cost for the construction of the future shared driveway.

**CHAPTER 26 LANDSCAPE STANDARDS**

**SECTION 26.1. INTENT.**

It is the purpose of this Section to require buffer zones and landscape screening to improve aesthetics, reduce the negative impacts between incompatible land uses and to provide for landscaping within parking lots. It is further intended to preserve and enhance the character, privacy and land values of the Township.

**SECTION 26.2. BUFFER YARDS REQUIRED.**

- A. Buffer yards: Each use permitted on a lot or parcel located in a B/I, I-2, C-1, C-2, or C-3 District shall provide a buffer yard within each front, side and rear yard. The buffer yards shall begin at the right-of-way line in the case of front yards and the side and rear property lines in the case of side and rear yards. Buffer yards shall be landscaped and maintained in accordance with the standards and guidelines contained in this Chapter. Buffer yards shall be required to run the entire length of the property line or street frontage except in driveway or joint parking areas.

The width of required buffer yards are as follows:

1. Front yard: 10 feet
2. Side yard: 5 feet, increased to 15 feet when adjacent to a single family residential zoning district or AP, Agricultural Lands Preservation zoning district that is planned for AR or R-1, R-2 or R-3 use and increased to 10 feet for the public street side of a corner lot
3. Rear yard: 5 feet increased to 15 feet when adjacent to any residential or agricultural zoning district.

**SECTION 26.3. MINIMUM LANDSCAPING WITHIN REQUIRED BUFFER YARDS.**

- A. The following Table 26.1 indicates the minimum landscape requirements for buffer yards as required under Section 26.2.

**TABLE 26.1  
QUANTITY OF PLANT MATERIALS IN BUFFER YARD  
PER 100 LINEAR FEET**

<u>Plant Type</u>	<u>Rear Buffer Yard</u>	<u>Side Buffer Yard</u>	<u>Street Buffer Yard</u>	<u>*Side or Rear Yard Greenbelt</u>
Deciduous Canopy Tree		1	3	Reference Section 2.46
Deciduous Ornamental Tree		1	2	
Shrubs (deciduous or evergreen)		-	4	
Evergreen/Conifer Tree	4	2	2	

\*Required instead of a buffer yard when abutting residential zones (AR, R-1, R-2, and R-3 Districts).

- B. A required buffer yard may contain a walkway or bicycle pathway, provided that its location within the public right-of-way is shown to be not feasible and the required amount of plant material is provided.

- C. Stormwater Retention/Detention Facilities in Buffer yards. Storm water retention/detention facilities may extend into buffer yards where it can be demonstrated that all planting requirements are met, the desired effects provided by the buffer yard will be fully achieved, and ponding will not jeopardize the survival of the plant materials.
- D. Required plantings for a buffer yard must be planted in or within ten (10) feet of the required buffer yard or greenbelt.
- E. Existing Plant Materials - Existing plant materials which satisfy the minimum size requirements set forth in this Section and all other requirements or specifications of this Section justify the granting of a waiver or partial waiver under Section 26.5.M.
- F. Minimum Plant Size - New plant materials must meet the minimum plant size requirements contained in Table 26.2 below when in a required planting.

**TABLE 26.2  
MINIMUM PLANTING SIZE**

<u>Plant Type</u>	<u>Front Buffer Yards</u>	<u>Plantings in Side and Rear Buffer Yards and all other required plantings</u>
Deciduous Canopy Tree	2" Caliper	1 - 1/2" Caliper
Ornamental Understory Tree	1 - 1/2" Caliper	4 ft. height
Evergreen Tree	5 feet (height)	4 feet (height)
Shrub (Upright)	24 inches (height)	15 inches (height)
Shrub (Spreading)	18 inches (average spread)	12 inches (average spread)

- G. When Buffer Yard Landscaping Requirements Apply to Existing Uses - The buffer yard landscaping requirements shall apply to all expansions, renovations, or alterations which increase the size of an existing structure or building cumulatively by at least 20 percent of its gross floor area as of the effective date of these regulations of June 1, 2000.
- H. Berms - Undulating earthen berms up to four (4) feet in height, above average surrounding grade are encouraged. The approving body may grant credit of up to 25 percent against the required buffer yard plantings for undulating berms that average three (3) feet in height or greater above the average surrounding grade.

**SECTION 26.4. OFF-STREET PARKING AREAS.**

- A. Off-street parking areas containing 10 or more parking spaces shall be provided with landscaping in accordance with the following:



6 through 100 spaces - 1 canopy tree and 100 square feet of landscaped area per 10 spaces.  
101 through 200 spaces - 1 canopy tree and 60 square feet of landscaped area per 15 spaces.  
201+ spaces - 1 canopy tree and 60 square feet of landscaped area per 20 spaces.

- B. Required buffer yards or greenbelts shall not be considered as part of the off-street parking landscape area.
- C. Required parking lot landscape areas shall comply with the following standards:
  - 1. The minimum size of landscape islands and peninsulas shall be 60 square feet with at least 15 feet of width.
  - 2. Grass, shredded bark, stone or a living ground cover shall cover all landscaped areas.
  - 3. All landscaped areas shall contain at least 1 canopy tree. The tree shall be located so as not to be easily damaged by vehicles.
  - 4. The Planning Commission shall approve the location of required off-street parking landscaping using the following criteria:
    - (a) Landscaping shall be installed such that, when mature, it does not obscure traffic signs, fire hydrants, lighting, drainage patterns on site or on adjacent properties, or obstruct vision for safe ingress and egress.
    - (b) Trees shall be installed in such a manner that parked motor vehicles are shaded whenever possible.
    - (c) Landscaping shall be dispersed throughout the parking lot in order to break up large expanses of impervious surfaces.
    - (d) At least one-half of the required trees shall be installed in the interior of the parking area. The interior shall be considered as any point 10 feet from the outside boundary of the parking area.
  - 5. Raised standard or rolled concrete curb shall be used throughout the parking lot and paved areas. The Planning Commission may grant an exception on a finding that overall storm water disposition will be adequate through the construction of a 4-inch valley gutter or will be enhanced without the construction of a curb in limited locations.

#### **SECTION 26.5. GENERAL LANDSCAPE STANDARDS.**

Unless specifically waived by the Planning Commission, all sites within the B-I, I-2, C-1, C-2, and C-3 districts shall be landscaped in accordance with a plan and specifications approved by the Planning Commission as part of Site Plan Approval. The entire disturbed area of the site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Undisturbed areas of the site shall be left in a natural vegetative state. Graded expansion areas may be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved by the Planning Commission.

- A. Landscaping shall be installed within one hundred eighty (180) days of completion of the building or structure.
- B. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

- C. Adequate watering systems shall be provided on private property to service landscaped areas. Such areas shall be neatly maintained, including mowing, fertilizing, and pruning.
- D. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.
- E. For the purpose of this Section, a corner lot is considered as having two front yards and the appropriate landscaping shall be provided for both.
- F. The extensive use of cobble stone, crushed stones, or other non-living material as ground cover is discouraged.
- G. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.
- H. Minimum Plant Material Standards.
  - 1. All plant materials shall be hardy to Jamestown, free of disease and insects and conform to the standards of the American Association of Nurserymen.
  - 2. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - 3. All plant material shall be planted in a manner so as to not cause damage to utility lines (above and below ground) and public roadways.
  - 4. Notwithstanding the list of prohibited plants under Section 26.5, paragraph H.6. below, existing plant material which complies with the standards and intent of the Ordinance, as determined by the Planning Commission, may be credited toward meeting the landscape requirements.
  - 5. The plant material shall achieve its horizontal and vertical screening effect within four years of initial installation.
  - 6. The trees listed in Table 26.3 are ***species that WILL NOT BE CREDITED for the purposes of meeting minimum landscape requirements*** as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests.

**TABLE 26.3  
SPECIES NOT CREDITED**

<u>Common Name</u>	<u>Horticultural Name</u>
Boxelder	Acer Negundo
Ginko	Ginkgo Biloba (female only)
Honey Locust	Gleditsia Triacanthos (with thorns)
Mulberry	Morus Species
Poplars	Populus Species
Black Locust	Robinia Species
Willows	Salix Species
American Elm	Ulmus Americana
Siberian Elm	U. Pumila
Slippery Elm; Red Elm	U. Rubra
Chinese Elm	U. Parvifolia

- I. Minimum Standards for Berms.
  - 1. Berms shall be constructed so as to maintain a side slope not to exceed a 1-foot rise to a 3-foot run ratio.
  - 2. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
  - 3. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
  - 4. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
  
- J. Minimum Standards for Screen Walls and Fences.
  - 1. All screen walls and fences shall be constructed with new, durable, weather resistant and easily maintainable materials. Chain link and barbed wire fences are not permitted.
  - 2. The wall or fence may be constructed with openings that do not exceed 20% of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
  - 3. Screen walls or fences shall not be constructed so as to alter drainage on site or adjacent properties or obstruct vision for reasons of ingress or egress.
  
- K. Solid waste dumpsters and recycling containers may be installed within side and rear yard buffer zones provided they are shielded by a continuous screen privacy fence at least 6 feet high.
  
- L. Requirements for projects developed in phases. If a project is constructed in phases, the landscape screen may also be constructed in phases. The Planning Commission shall determine the extent of each phase on:
  - 1. Adjacent land uses.
  - 2. Distance between land uses.
  - 3. Operational characteristics both on and off site.
  - 4. Building heights.
  - 5. Physical characteristics of the site such as topography, existing vegetation, etc.
  
- M. Landscaping Waiver. Should the Planning Commission determine, on inspection, that adequate landscaping on a site already exists or that due to existing conditions and lot area limitations that the standards contained herein cannot be met some or all of the required landscaping and screening may not be required, the applicable Zoning Ordinance provisions may be waived in whole or in part. Factors which shall be used when the Planning Commission considers a landscaping waiver shall include, but shall not be limited to:
  - 1. Topographic variations.
  - 2. Existence of natural vegetation.
  - 3. Existing and proposed building placement.
  - 4. Sight distances.
  - 5. Adjacent street, land use and building arrangements.
  - 6. Existence of floodplain and poor soils area.

N. Installation and Maintenance Provisions. The Planning Commission shall require a financial guarantee of a sufficient amount to insure the installation of all required landscaping. This financial guarantee shall be in the form of cash or an irrevocable letter of credit.

## CHAPTER 27 REVIEW AND APPROVAL OF SITE CONDOMINIUM PROJECTS

### SECTION 27.1 PURPOSE AND SCOPE.

Site Condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a "lot" for purposes of determining compliance with the requirements of this Ordinance and other applicable laws, Ordinances, rules and regulations. Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the site condominium project.

This Chapter requires that all site condominium projects receive site plan approval from the Township Board. Initially there is a preliminary plan review by the Planning Commission, followed by Planning Commission review of the final plan and a Planning Commission recommendation concerning the final site condominium project plan to the Township Board. The Township Board then considers whether or not to grant site plan approval for the site condominium project. These procedures are necessary to ensure that site condominium projects comply with this Ordinance and all other applicable laws, Ordinances, rules and regulations. Site plan approval for a site condominium project will only be granted if the land uses proposed for the site condominium project are (i) permitted uses in the zoning district in which the site condominium project is proposed or (ii) have been previously approved as a special use.

### SECTION 27.2 DEFINITIONS.

- A. For purpose of determining compliance with the applicable requirements of this Ordinance (including, without limitation, height, area, yard and density requirements) or with other applicable laws, Ordinances, rules or regulations, a "building site" shall be considered to be the equivalent of a "lot."
- B. Except as otherwise provided by this Ordinance, all words and phrases used in this Chapter which are specifically defined in the Condominium Act, shall have the meanings given to them in the Condominium Act including, but without limitation, common elements, condominium unit, general common elements, and master deed.
- C. For purposes of their use in this Chapter 27 only, the following words and phrases are defined as follows:
  1. **Building envelope:** The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium project. In a single family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
  2. **Building site:** An area within a site condominium project which may be either:
    - (a) The area within the site condominium unit itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or

- (b) The area within the site condominium unit itself (as described in paragraph a. immediately above), together with the area of any contiguous and appurtenant limited common element.
- 3. **Condominium Act**” Public Act 59 of the Michigan Public Acts of 1978, as amended, or any successor Michigan public act having the same or similar regulatory purpose, as amended.
- 4. **Limited common element:** An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.
- 5. **Site condominium project:** A project consisting of not less than two (2) site condominium units which are established and regulated pursuant to the Condominium Act.
- 6. **Site condominium project plan:** The plans, drawings and information prepared for a site condominium project as required by and described in the Condominium Act including, but without limitation, Section 66 of that Act, and as required by and described in this Ordinance for site plan review and possible site plan approval for the site condominium project by the Planning Commission and the Township Board.
- 7. **Site condominium:** A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or sub-surface vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- D. The definitions assigned to words and phrases elsewhere in this Ordinance shall also apply in this Chapter 27.

**SECTION 27.3 REVIEW OF PRELIMINARY PLANS BY THE PLANNING COMMISSION- STANDARDS AND REQUIRED IMPROVEMENTS.**

- A. Prior to review and possible site plan approval of a site condominium project plan by the Township Board, a preliminary site condominium project plan shall be reviewed by the Planning Commission in accordance with the procedures, standards and requirements provided by this Chapter.
- B. Application for review and possible site plan approval of a site condominium project plan shall be initiated by an applicant filing with the Zoning Administrator a written application along with a preliminary plan. To be placed on the agenda, the application and the preliminary plan must be filed at least thirty (30) days prior to the date of the Planning Commission meeting at which review is requested. The application and preliminary plan submitted for review shall comply with the following requirements and contain the following data:
  - 1. A completed and signed application form as supplied by the Township.
  - 2. A plan showing the boundary of the subject property and its relationship to all contiguous properties, drawn at a scale of not more than 200 feet to the inch.

3. Written proof of applicant's ownership of the subject property or, if the subject property is not owned by the applicant, written authorization signed by the owner of the subject property for the applicant to act on behalf of the owner.
  4. A location map showing the relationship of the subject property to the surrounding area (the area within one-half (1/2) mile).
  5. The proposed layout of streets, common areas and building sites.
  6. The relationship of proposed streets to adjacent streets and relationship of improvements and significant physical features to neighboring properties and public and private utilities.
  7. Existing physical conditions and characteristics of the subject property including, but without limitation, existing structures, wooded areas, topography at two (2) foot contours, flood plains, wetlands, streams and drainage.
  8. Proposed grading and storm drainage improvements and the location(s) of proposed detention/retention ponds.
  9. 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.
  10. The existing land use and the existing zoning of the subject property and all contiguous properties.
  11. Preliminary building site data including number of building sites, minimum building site area and building site width.
  12. An application fee in accordance with the fee schedule established from time to time by resolution of the Township Board.
- C. The Zoning Administrator shall forward copies of the application and preliminary plan to the Planning Commission.
- D. 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 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 shall be developed to the requirements of Section 3.29 of this Ordinance unless they have been previously approved as part of a planned development under the review and approval procedures provided in Chapter 19 of this Ordinance.

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 27.4 PLANNING COMMISSION RECOMMENDATION.**

After reviewing the application and the preliminary site condominium project plan, the Planning Commission shall adopt a resolution, which may incorporate a separate written statement by reference, containing the Planning Commission's recommendations regarding the proposed site condominium project, including any suggested or required changes in the preliminary plan. The Planning Commission shall provide a copy of the resolution and attached written statement, if any, to the applicant and to the Township Board for information purposes.

#### **SECTION 27.5 REVIEW AND RECOMMENDATION CONCERNING FINAL PLANS BY PLANNING COMMISSION.**

- A. Within one year of the date on which the Planning Commission adopted the resolution referred to in Section 27.4 above, the applicant shall file with the Township Zoning Administrator a minimum of ten (10) copies of a final site condominium project plan which complies with the requirements of Section 27.7 below. The Township Zoning Administrator shall forward a copy of the final plan to each member of the Planning Commission. To be placed on the agenda for consideration at a Planning Commission meeting, the final plan must be filed at least thirty (30) days prior to the Planning Commission meeting at which consideration is requested.
- B. The final site condominium project plan filed by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission as part of its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan, the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated. Differences between the final plan and the preliminary plan, other than those changes necessary to incorporate the recommendations of the Planning Commission with respect to



the preliminary plan, shall be clearly specified in writing together with a written explanation of the reason(s) for each change.

- C. In reviewing the final site condominium project plan, the Planning Commission shall consider all of the requirements of this Chapter and shall also review all deed restrictions and covenants for the site condominium project in order to determine if they are adequate to ensure ultimate completion of the project in accordance with the final plan. The Planning Commission shall also consider whether the final plan meets the requirements of this Ordinance and all other Township Ordinances as well as county, state and federal Ordinances, laws, rules, and regulations.
- D. After considering all of the matters referenced in subsections B and C above, the Planning Commission shall adopt a resolution recommending to the Township Board that the site plan approval be given for the site condominium project, either with or without conditions, or that site plan approval be denied. If the recommendation is that the site plan approval be granted with conditions or denied, the Planning Commission resolution shall include either in the resolution itself, or in an attached written statement incorporated by referenced, the reasons for each recommended condition or the reasons for the recommendation of denial.

The Zoning Administrator shall forward a copy of the Planning Commission's recommendation resolution to the applicant and to the Township Board, and shall also forward to the Township Board one (1) copy of the final site condominium project plan.

#### **SECTION 27.6 REVIEW AND CONSIDERATION OF SITE PLAN APPROVAL BY THE TOWNSHIP BOARD.**

- A. After receipt of the Planning Commission recommendation and the final site condominium project plan, the Township Board shall determine whether or not to grant site plan approval for the site condominium project within a reasonable time period. Prior to Board consideration, the applicant shall file with the Zoning Administrator three (3) copies of final engineering plans for all required improvements under the Township's jurisdiction. One (1) copy of these plans shall be forwarded to the Township Engineer, who shall review and comment on the completeness and adequacy of the plans for the Board's consideration. In addition, one (1) copy shall be forwarded to any third party who operates and maintains a utility on behalf of the Township, with a request that the third party comment on the plans and any changes the third party recommends.
- B. On receipt of the comments of the Township Engineer and third party operator(s), if any, the Township Board shall decide whether to grant site plan approval, with or without conditions, or whether to deny site plan approval. The decision of the Township Board shall be based on the requirements and standards of this Ordinance, other Township planning documents, other applicable Ordinances and state and federal statutes. Commencement of construction, grading, tree removal, soil removal, or other site improvements or changes prior to the complete satisfaction of all of the conditions specified in Section 27.8 shall be grounds for the Township Board to deny site plan approval.
- C. If site plan approval is granted, the Township Clerk shall sign the final site condominium project plan with the notation that site plan approval has been granted and, if there are conditions, shall refer to and attach a copy of the conditions. The Township Clerk shall also notify the applicant in writing of the Township Board decision.

- D. Site plan approval by the Township Board, with or without conditions, shall give the applicant the following rights for a one (1) year period from the date of Township Board action:
  - 1. That the general terms and conditions under which site plan approval was granted will not be changed by the Township.
  - 2. That the building site sizes, number and orientation, utilities and street layout have been approved.
  
- E. Site plan approval for a site condominium project shall not be effective unless and until the final site condominium project plan has been submitted to and approved in writing by the Ottawa County Health Department, Ottawa County Road Commission, Ottawa County Drain Commissioner, Michigan Department of Environmental Quality, Michigan Department of Public Health and all other state and county review and enforcement agencies having jurisdiction, or their respective successors, to the extent these agencies or their respective successors have authority over any aspect of the proposed site condominium project.
  
- F. As a condition of granting site plan approval for a site condominium project, the Township Board shall require that a cash deposit or irrevocable letter of credit covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township Clerk as provided by Section 16(f) of the Township Zoning Act, or the corresponding section of any successor public act having the same or similar regulatory purpose.

**SECTION 27.7 CONTENTS OF FINAL SITE CONDOMINIUM PROJECT PLAN.**

A final site condominium project plan shall include all of the documents and graphic information required by Section 66 of the Condominium Act and by Sections 3.1 and 3.2 of Jamestown Charter Township Subdivision Control Ordinance, and shall also include all of the following:

- A. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
  
- B. A narrative describing the overall objectives of the proposed site condominium project.
  
- C. A complete list of all other review or permitting federal, state, or county agencies having jurisdiction over any element of the site condominium project or its construction and copies of any comments, recommendations or letters of approval from such agencies.
  
- D. A storm drainage and a storm water management plan, including all lines, swales, drains, basins and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities.
  
- E. A utility plan showing all water and sewer lines and easements to be granted to the Township for installation, repair and maintenance of all utilities.
  
- F. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and all other public and private utilities.
  
- G. A street construction paving plan for all streets within the proposed site condominium project. If one or more of the streets are to be private, a street maintenance plan shall be included.

**SECTION 27.8 CONSTRUCTION SCHEDULE; COMMENCEMENT OF CONSTRUCTION; ISSUANCE OF PERMITS.**

No construction, grading, tree removal, soil stripping or other site improvements or changes shall be commenced by any person and no building, construction or grading permits shall be issued by the Zoning Administrator for a site condominium project until:

- A. The site condominium project has been granted sited plan approval by the Township Board.
- B. All conditions imposed by the Township Board as part of the site plan approval, which are required to be performed prior to the commencement of construction, have been met.
- C. All required approvals or permits from federal, state and county agencies having jurisdiction have been obtained for the project.
- D. A construction and inspection schedule for all required improvements has been established and agreed on by the Zoning Administrator and the applicant.

**SECTION 27.9 EXPANDABLE OR CONVERTIBLE CONDOMINIUM PROJECTS.**

Site plan approval for a site condominium project shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible portions were specifically reviewed and approved by the Township Board as part of its site plan approval in compliance with the procedures, standards and requirements of this Chapter.

**SECTION 27.10 REVIEW AND APPROVAL OF CHANGES TO APPROVED SITE CONDOMINIUM PROJECTS.**

Any change proposed in connection with a site condominium project for which the Township Board has previously granted site plan approval shall be subject to the same review and approval procedures as provided by this Chapter for the original review and site plan approval of the site condominium project.

**SECTION 27.11 INCORPORATION OF APPROVED PROVISIONS IN MASTER DEED.**

All provisions of a final site condominium project plan approved by the Township Board as provided by this Chapter shall be incorporated by reference in the master deed for the site condominium project. A copy of the master deed and all exhibits, as recorded with the Ottawa County Register of Deeds, shall be filed with the Township within seven (7) days after the recorded documents have been returned by the Register of Deeds.

**SECTION 27.12 APPROVAL EFFECTIVE FOR ONE (1) YEAR; EXTENSIONS.**

Township Board site plan approval of a site condominium project shall expire one (1) year from the date of approval, unless construction of the project commences within that one (1) year period and is diligently pursued to completion in accordance with the conditions of the site plan approval. The Township Board, in its discretion, may extend this one (1) year period for additional periods of time as determined appropriate by the Township Board if the applicant applies for the extension prior to the expiration of the site plan approval or any extension thereof.

**SECTION 27.13 EXEMPTION OF EXISTING PROJECTS.**

- A. This Chapter shall not apply to a site condominium project which, as of December 2001, met both of the following requirements:
  - 1. A condominium master deed was recorded for the project with the Ottawa County Register of Deeds; and
  - 2. The project fully complied with the applicable requirements of all Township Ordinances in effect on the date when the condominium master deed was recorded.

- B. Site condominium projects exempted from compliance with this Chapter by subsection (a) above shall be subject to the provisions of this Chapter with respect to an amendment to the master deed for the site condominium project which:
  - 1. Creates an additional building site(s);
  - 2. Alters the horizontal dimensions of a building site(s); or
- 3. In any other way changes or alters the boundaries of a building site(s).”

## CHAPTER 28 OPEN SPACE PRESERVATION PROJECTS

### SECTION 28.1 PURPOSE AND APPLICABILITY.

Act No. 177 of the Public Acts of Michigan of 2001 ("Act 177") requires that zoned Townships having a population of 1,800 or more and having undeveloped land zoned for residential purposes must adopt zoning regulations to permit "open space preservation" developments.

Under these regulations, a landowner has the option to retain at least 50% of the property as open space and placing dwelling lots on the remaining portion. The number of dwelling lots cannot be more than the number which would be permitted on the land without the open space preservation regulations, nor may the Township require less than the number of dwelling lots which would be permitted on the land without the open space preservation regulations.

The purpose of this Article is to adopt open space preservation provisions consistent with the requirements of Act 177. Unless otherwise amended, this Chapter shall only apply to single family residential open space preservation projects in the AR, R-1 and R-2 Zoning Districts where no open space option has been previously exercised.

Bonus density incentives may be applied to AR zone projects as regulated in Section 6.5 A-5.

### SECTION 28.2 REVIEW PROCEDURE: REVIEW BY PLANNING COMMISSION.

An open space preservation development shall be reviewed by the Planning Commission according to the requirements and general standards for site plan review contained in Chapter 20, Section 20.9 of this Ordinance except as otherwise provided in this Chapter.

### SECTION 28.3 ITEMS SUBMITTED FOR REVIEW.

A. **Application**

The applicant shall submit an application for an open space preservation project as required by Jamestown Charter Township. The application may be required to include a review fee as established by resolution of the Township Board for such purposes and/or an escrow amount to be deposited in an account created for the project for the purposes of reimbursement of review expenses to the Township.

B. **Open Space Preservation Plan.**

The applicant shall submit 9 sets of the Open Space Preservation Plan drawn at a minimum scale of 1"=200', which shall include information required by Chapter 17 of this Ordinance and the following information:

1. The areas devoted to preserved open space.
2. The site development plan shall illustrate the location of all proposed lots and proposed building envelopes and shall indicate the lot area and width of each lot, and the proposed front, side and rear yard building setbacks. The number of proposed lots on the site development plan shall not exceed the number of lots on the Existing Zoning Plan, as approved by the Planning Commission.
3. The total number of acres of land that are proposed for preserved open space, the total number of acres of land that are proposed to be used for dwellings, and the percentage of each, as compared to the total site acreage.
4. The site development plan shall illustrate the location and type of all proposed structures or improvements that are not dwellings.

5. If the open space development will not be served by public sanitary sewer, the applicant shall submit documentation from the Ottawa County Health Department that the soils are suitable for on site septic systems.

C. **Additional review procedures**

If an open space preservation development is proposed as a platted subdivision or a site condominium, the applicant must also submit all information and follow the procedures required by the Jamestown Charter Township Subdivision Control Ordinance or the Jamestown Charter Township Site Condominium Subdivision requirements of this Ordinance, as applicable.

D. **Existing Zoning Plan.**

In addition to the information required above, the applicant must also submit a separate Existing Zoning Plan. This plan is to be prepared for the purpose of demonstrating the number of dwelling units that could be developed on the land under its existing zoning if the open space preservation option provided by this Section were not exercised. The Existing Zoning Plan may be conceptual in nature but shall include at least the following information:

1. Date, north arrow and scale, which shall not be more than 1" = 200'.
2. Location of streets and utility right-of-way adjacent to and within the site.
3. Location of all lots, illustrating lot area and width of each lot to demonstrate compliance with the minimum requirements of the applicable zoning district.
4. Location of all utilities that would be necessary to serve a development under the Existing Zoning Plan.
5. If development under the Existing Zoning Plan would require the use of septic tanks and drain fields, the applicant shall submit documentation from the Ottawa County Health Department that the soils on each proposed lot are suitable for on site disposal systems.
6. The Existing Zoning Plan shall illustrate all un-developable land, which shall include slopes of 20% or greater, regulated and unregulated wetlands, public utility easements, floodplains, and other similar features which limit or prevent construction of buildings or roads.. No more than 50% of the area of designated wetlands, streams, flood plains, slopes in excess of 20%, existing ponds or lakes or other bodies of water may be included in calculating the number of developable lots in an existing zoning plan.

**SECTION 28.4 DETERMINATION OF NUMBER OF LOTS.**

The Planning Commission shall determine whether the Existing Zoning Plan accurately reflects the number of lots that could be developed on the land under its existing zoning if the clustering option provided by this Section were not exercised.

The Commission shall either approve the number of lots illustrated on the Existing Zoning Plan or require the Plan to be revised to accurately reflect the number of lots which could be developed on the land under the standards required for preparing the Existing Zoning Plan in this Section.

**SECTION 28.5 OPEN SPACE REQUIREMENTS.**

- A. A minimum of fifty percent (50%) of the land proposed for development under the provisions of this Section shall remain in a perpetually undeveloped state (i.e., "open space") by means of restrictions and other legal instruments that runs with the land.

1. Common Ownership of Preserved Areas:

Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:

- (a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
- (b) That a permanent organization for maintenance and management of such area would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
- (c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
- (d) That the restrictions could be enforced by all property owners and by the Township.

2. Preserved Areas Not Owned in Common:

Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved as to wording by the Township Attorney to assure the following:

- (a) That the proposed manner of holding title to the preserved open land is acceptable to the Township.
- (b) That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
- (c) That the restrictions could be enforced by all property owners and by the Township.

B. Areas Not Counted as Open Space.

1. The area within all public or private road rights-of-way.
2. Golf courses.
3. Any easement for overhead utility lines.
4. The area within a platted lot, site condominium unit or metes and bounds parcel occupied or to be occupied by a building or structure not permitted to be located in open space.
5. Off street parking areas.
6. Detention and retention ponds created to serve the project.
7. Proposed community drain fields.
8. Subject to Planning Commission approval, lakes and ponds created as part of the project may be included in final open space calculations. Existing lakes and ponds shall be excluded from meeting the minimum of fifty (50%) open space requirement unless such lakes or ponds lie entirely within a single development site or lot.

C. Standards for Open Space.

The following standards shall apply to the preserved open space required by this Section:

1. Not less than 50 percent of the minimum required open space shall be held in common ownership.
2. Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one of the following:
  - (a) Natural stands of large trees.

- (b) Natural habitat for wildlife within the developed portion of the property.
  - (c) Unusual topographic features.
  - (d) Productive farmland.
  - (e) Water or wetland areas.
3. The open space may include a recreational trail, picnic area, children’s play area, community building or other use which, as determined by the Planning Commission, is substantially similar to these uses.
  4. The open space held in common shall be available for all residents of the development, subject to reasonable rules and regulations.
  5. If the land contains a lake, stream or other body of water, the Planning Commission may require that a portion of the open space abut the body of water.
  6. A portion of the open space shall be reasonably useable by the residents of the land for passive recreational uses such as hiking or picnicking.
  7. Open space held in common shall be located so as to be reasonably accessible to the residents of the open space development. Safe and convenient pedestrian access points to the open space from the interior of the development shall be provided.
  8. Open space shall be located so as to preserve significant natural resources, natural features, scenic or wooded conditions, bodies of water, wetlands or agricultural land. If it is feasible that the open space may physically abut adjacent existing or planned public or private parks, schools, preserves or dedicated open space the Township may require that the open spaces be connected at the common boundary.

**SECTION 28.6 DEVELOPMENT REQUIREMENTS.**

A. Water and Sanitary Sewer.

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.

B. Minimum Lot Sizes and Setbacks.

In order to accommodate both the required open space and the number of lots permitted according to the Existing Zoning Plan the Planning Commission shall allow a reduction in the minimum lot size and building setback requirements of the zoning district in which the Open Space Preservation project is located.

1. The following minimum lot sizes shall be required unless it is demonstrated that a waiver is required:

	<u>Target*</u>	<u>Target*</u>
	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
AP and R-1 Districts	14,500 feet	90 feet
A-R District	28,000 feet	100 feet
R-2 District	11,000 square feet	80 feet

\* Conventional lot size requirements are reduced by more than 50% in order to allow the development to achieve the same number of lots as allowed under the existing zoning and still set aside 50% of the parcel as open space. Where it is shown by soil borings and analysis that the allowed number of lots could meet Department of Environmental Quality (DEQ) Health Department approval but the above target minimums cannot be achieved on each lot, the Planning Commission may waive the minimum lot size and/or lot width requirements on a lot by lot basis.

C. Compliance with Zoning District.



The development of land under this Section shall comply with all requirements of this Ordinance applicable to the zoning district in which the land is located, except for the lot size and setback requirements. The minimum front, side and rear yard setback standards are as follows:

Front Yard: 35 feet

Side Yard: 10 feet minimum one side / 20 feet total for both sides

Rear Yard: 40 feet

Accessory Buildings: The setback requirements for accessory buildings shall be the same as the requirements established for the underlying District.

D. Maximum Number of Lots.

The Open Space Preservation project shall contain no more than the maximum number of lots as determined from the Existing Zoning Plan approved by the Planning Commission under Section 28.3 D.

E. Perimeter Lots.

Notwithstanding any other provision of this Section, the Planning Commission may require that the Open Space Preservation project be designed and constructed with lot sizes and setbacks or open space buffers on the perimeter that will create transitional net densities reasonably consistent with the lot sizes and setbacks of adjacent uses (planned or existing).

F. Sidewalks.

The Planning Commission may require sidewalks in accordance with the Township's Site Condominium Ordinance and Subdivision Control Ordinance.

G. Grading.

Grading shall comply with the following requirements:

1. To preserve the natural appearance of the land, all graded areas, cuts and fills shall be kept to a minimum. Specific requirements may be placed on the area of land to be graded or to be used for building, and on the size, height, and angles of cut-and-fill slopes and the shape thereof.
2. All areas indicated as open space on the approved development plan shall be undisturbed by grading or excavating, except as permitted by the Planning Commission.

**SECTION 28.7 FINANCIAL GUARANTEE.**

As a condition of site plan approval for an open space preservation project, the Planning Commission shall require that a cash deposit or irrevocable letter of credit, covering the estimated cost of improvements associated with the open space preservation project for which approval is sought be deposited with the Township Clerk.

## CHAPTER 29 ADMINISTRATION AND ENFORCEMENT

**SECTION 29.1 ZONING ADMINISTRATOR.** This Ordinance shall be administered by the Zoning Administrator, who shall be appointed by the Township Board for such term and at such rate of compensation and subject to such conditions as the said Board shall determine.

**SECTION 29.2 POLICE POWERS.** The said Zoning Administrator shall have the powers of police officers in enforcing this Ordinance.

**SECTION 29.3 ELIGIBILITY.** The Zoning Administrator shall make the required inspections and certify to the Township Clerk the conformance of the applicant to the requirements of this Ordinance. In the event that such administrator shall be interested in any manner in the application, then the Township Board may appoint a substitute administrator to discharge the duties of such case. The Administrator shall be physically fit, competent for the position, and shall not be directly interested in the sale of any material, plan, process or device used in connection with the building construction trade.

**SECTION 29.4 ZONING PERMIT.** No Building or Structure, subject to the provisions of this Ordinance, shall be erected, altered, enlarged, or moved on any land, either in whole or in part, nor shall any lands or topsoil be sold or otherwise disposed of for this purpose covered by the terms hereof until a permit shall have been obtained therefore.

- A. Application for Permit. All applications for permit shall be made to the Township Zoning Administrator. Such application shall contain full information showing the Lot area, location of contemplated Buildings and Structure and such other information as may be required. Scale drawings shall be filed in duplicate with such application.
- B. Reference to Administrator. The Township Zoning Administrator shall properly make such investigation and inspection as they shall determine necessary. If the same has been approved the Zoning Administrator shall forthwith issue the permit. If reasons are set forth for rejection, the applicants shall be notified thereof.
- C. Reference to Board of Appeals. If the subject matter of the application is such that the application must be referred to the Board of Appeals, then the Zoning Administrator, after making preliminary inspection, shall refer the application to the Board of Appeals. The Zoning Administrator shall prepare and cause to be published notice of such meeting as the Board shall prescribe. The Board of Appeals shall return such application duly endorsed as approved or disapproved, stating reasons therefore, if disapproved, to the Zoning Administrator, who shall notify the applicant of the Board's action.
- D. Nontransferable. Such permits are nontransferable except by written permission of the Zoning Administrator, endorsed on all copies of such permit.
- E. Expiration of Permit. Any permit issued hereunder, under which no work has been done above the foundation walls within one (1) year, shall expire by limitation, provided, however, such permit may be renewed for an additional period of one (1) year on payment of one-half (1/2) of the original license fee, and subject to provisions of this Ordinance in force at the date of the renewal. Provided, further, that the Board of Appeals may on a showing of unnecessary hardship or practical difficulties extend such permit for such additional time as said Board shall determine.

- F. Cancellation of Permit. The Administrator is empowered to cancel such permit for violation of the provisions of this Ordinance or for fraud or misrepresentation in the procurement thereof, by notification in writing, by registered mail, to the address of the owner or his attorney or agent, as shown on the application for such permit.
- G. Permit Identification. The Zoning Administrator shall issue to the applicant a suitable card, which shall be posted on said premises, indicating that a permit has been issued, showing the person to whom issued, the date of issue, and the Building or use for which issued.

**SECTION 29.5 EXEMPTIONS FROM PERMIT REQUIREMENTS.** Incidental repairs and reconditioning of established structures which do not involve additions thereto, shall be exempt from the requirements of this Ordinance, providing the same do not violate any of the regulations of this Ordinance.

**SECTION 29.6 FEES FOR PERMIT AND CERTIFICATE OF COMPLIANCE.** For each permit issued, fees shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. All fees shall be paid in accordance with the fee schedule established by the Township Board.

## CHAPTER 30 PENALTIES AND REMEDIES

**SECTION 30.1 Violations of this Ordinance a Municipal Civil Infraction.** Any violation of this Ordinance shall constitute a municipal civil infraction. Any person, firm or corporation who violates any provision of this Ordinance is responsible for a municipal civil infraction and subject to payment of a civil fine, as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this Ordinance shall be Fifty (\$50.00) Dollars plus costs and other sanctions for each violation. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term “repeated offense” means a second (or any subsequent) municipal civil infraction of the same requirement or provision of this Ordinance which is committed by a person, firm or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm or corporation admitted responsibility or was determined to be responsible and for which the person, firm or corporation admits responsibility or is determined to be responsible. Each day on which a violation of this Ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

**SECTION 30.2 Persons Authorized to Issue Municipal Civil Infractions Citations.** The Township Supervisor, the Township Attorney, the Township Zoning Administrator, the Building Inspector and an Ottawa County Sheriff’s Deputy are hereby authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this Ordinance. All such citations shall be issued in accordance with all of the requirements of Chapter 87 of the Revised Judicature Act of the State of Michigan, as amended from time to time (MCLA 600.8700, et. seq.).

**SECTION 30.3 Violations are a Nuisance per se.** Any violation of this Ordinance shall constitute a nuisance per se. The Township is authorized to take any and all actions appropriate to prevent, abate, enjoin or remove any such violation.

**SECTION 30.4 Rights and Remedies Cumulative.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

## CHAPTER 31 AMENDMENTS

**SECTION 31.1 GENERAL.** Amendments or supplements shall be made hereto in the same manner as provided in the act for the enactment of this Ordinance.

**SECTION 31.2 INITIATION OF AMENDMENTS.** Amendments to this Ordinance may be initiated by any interested person or persons by petition to the Zoning Administrator.

**SECTION 31.3 AMENDMENT APPLICATIONS.** All petitions for amendment to this Ordinance shall be in writing, and shall be signed and filed in triplicate with the Zoning Administrator for presentation to the Planning Commission. Such petitions shall include the following:

- A. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- B. The nature and effect of the proposed amendment;
- C. If the proposed amendment would require a change in the Zoning Map, a fully-dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present Zoning District of the land, the zoning district of all abutting lands, and all public and private right-of-ways and easements bounding and intersecting the land to be rezoned;
- D. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same;
- E. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare; and
- F. All other circumstances, factors and reasons which the petitioner offers in support of the proposed amendment.

**SECTION 31.4 AMENDMENT PROCEDURE.** After initiation, amendments to this Ordinance shall be considered as provided in the Zoning Act.

**SECTION 31.5 AMENDMENT STANDARDS.** When considering an amendment to the Zoning Ordinance or zoning districts map, the Planning Commission shall consider the following criteria:

- A. Is the proposed rezoning consistent with the policy statements and future land use plan of the Township?
- B. Is the timing for the zoning change correct?
- C. Is there reason to believe that the property owner cannot realize a similar rate of return with any use allowed under the current zoning classification (i.e. are permitted uses under current zoning viable?);

- D. Are all of the permitted uses allowed under the requested zoning district compatible with surrounding land uses and zoning?
- E. Is the environment of the site capable of accommodating the list of uses permitted under the requested zoning classification?
- F. Is there sufficient public infrastructure (street, sewer and water capacity) to accommodate the host of uses allowed under the requested zoning classification? Is the proposed change in keeping with the intent to protect the public "health, safety and welfare?"
- G. Is the site large enough to meet all requirements for setbacks, area, utilities and driveway spacing?

## CHAPTER 32 MISCELLANEOUS PROVISIONS

**SECTION 32.1 ADMINISTRATIVE LIABILITY.** No officer, agent, employee or member of the Planning Commission, Township Board or Board of Appeals shall render himself or herself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

**SECTION 32.2 SEVERABILITY.** This Ordinance and the various parts, sections, subsections, paragraphs, sentences, phrases and clauses thereof, are hereby declared to be severable. If any part, section, subsection, paragraph, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby.

**SECTION 32.3 REPEAL.** This Ordinance shall be deemed an amendment to the Jamestown Charter Township Zoning Ordinance which was effective January 27, 1971, and supersedes and replaces the existing Jamestown Charter Township Zoning Ordinance in its entirety. In addition, all other Ordinances and parts thereof, which are in conflict in whole or in part with any of the provisions of this Ordinance are repealed as of the effective date of this Ordinance.

**SECTION 32.4 EFFECTIVE DATE.** The foregoing Ordinance was adopted by the Jamestown Charter Township Board, on February 18, 2008, and became effective on March 5, 2008. Subsequent amendments are effective on the dates noted in the text.

## CHAPTER 33 COMPILED PLANNED DEVELOPMENT (PD) AMENDMENTS

1. Spring Grove Farms PD
2. Bridlewood PD
3. Valley Vista PD (2003)
4. Jamesfield PD
5. Country Living Estates PD
6. Rolling Meadows PD
7. Country Acres Estates PD
8. Greentree Estates PD
9. Jamesfield PD Amendment
10. Creekridge PD
11. DC Storage PD
12. Riley Crossings PD
13. Spring Grove Village PD
14. Trillium Ridge PD
15. Valley Vista PD (2018)
16. West 24 Cottage PD
17. Waterton Station PD
18. Jamestown One PD
19. Spring Meadows PD



**SPRING GROVE FARMS PLANNED DEVELOPMENT**

**JAMESTOWN CHARTER TOWNSHIP  
COUNTY OF OTTAWA, MICHIGAN  
Ordinance # 04-003**

Minutes of a regular meeting of the Township Board of the Jamestown Charter Township, held at the Township Hall, 2380 Riley Street, Jamestown, Michigan, on the 9th day of February, 2004, at 7:30 p.m.

Present: Miedema, Pruis, Brouwer, Rau, Shaarda and Sipe

Absent: None (one vacancy)

The following Ordinance was offered by Shaarda and supported by Sipe:

ORDINANCE NO. 04-003

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

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**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 GROVE FARMS. The property is described as follows:

Part of the SW 1/4, Section 3, and part of the SE 1/4, Section 4, T5N, R13W, Jamestown Charter Township, Ottawa County, Michigan, described as: BEGINNING at the SE corner of Section 4; thence N89°50'53"W 22.00 feet along the South line of the SE 1/4 of Section 4; thence N01°36'05"E 435.60 feet parallel with the East line of said SE 1/4; thence N89°50'53"W 200.00 feet; thence S01°36'05"W 435.60 feet; thence N89°50'53"W 1105.73 feet along the South line of said SE 1/4; thence N01°41'19"E 2142.58 feet along the West line of the E 1/2 of said SE 1/4; thence N89°20'54"E 1323.07 feet; thence S01°36'05"W 500.98 feet along the East line of said SE 1/4; thence N88°01'46"E 502.45 feet along the North line of the S 5/8 of the W 1/2 of the S 1/2 of Section 3 to the NW corner of Country Living Estates (Liber 42 of Plats, Pages 5-7); thence S01°29'19"W 1659.41 feet along the Westerly line of said plat and its extension; thence S87°58'27"W 505.75 feet along the South line of said SW 1/4 to the place of beginning.

Also:

Part of the SE 1/4, Section 4, T5N, R13W, Jamestown Charter Township, Ottawa County, Michigan, described as: BEGINNING at the E 1/4 corner of Section 4; thence S01°36'05"W 362.99 feet along the East line of said SE 1/4; thence S89°20'54"W 1324.87 feet; thence N01°41'19"E 379.55 feet along the West line of the E 1/2 of said SE 1/4; thence S89°56'10"E 1323.74 feet along the North line of said SE 1/4 to the place of beginning.

**Section 2.0.**

The rezoning of the above-described lands to the Planned Development District for purposes of development of the SPRING GROVE FARMS PD (“the Development”) is expressly subject to all of the following terms and conditions:

1. Plan. The Plan includes the drawing labeled Final Planned Development Plan of SPRING GROVE FARMS dated 9.30.03, and prepared by Exxel Engineering Inc, project File No. 0226333 as submitted by the Applicant and in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix), subject to such modifications, if any, made during the plat review and approval process for any phase and consistent with this rezoning.
2. Nature of Development. The Development is comprised of 157 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the Plan and shall be used only for one single family detached dwelling and for residential purposes and such accessory buildings as permitted under the provisions of Section 7.4c of the Zoning Ordinance.
3. Boundaries and Lot Areas. The boundaries of the Development, and all platted lots and open spaces shall be as shown on the Plan. Cross hatched areas indicated on the Plan in Phase Five of the Development may be reserved for inclusion in possible future lots created out of adjacent land area to the west that is presently not in the Development or may be included as part of the adjacent lots in Phase 5. A final determination shall be made at the time of Phase 5 plat approval.
4. Minimum Principal Building Setbacks and Floor Area, Accessory Buildings and Signs.
  - (a) Minimum Principal Building Setbacks.
    - i. Front Yard = 35 feet, except where indicated on the Plan.
    - ii. Street Side of Corner Lot= 35
    - iii. Side Yard = 10 minimum one side/20 feet total for both sides.
    - iv. Rear Yard = 50 feet.
  - (b) The provisions of Sections 8.4 B and 8.4 C of the Jamestown Charter Township Zoning Ordinance shall be the floor area and accessory building requirements applicable to the Development.
5. Site Access, Streets and Drives. Access to the Development shall be from Quincy Street and Mary Beth Lane as shown in the Plan. Street arrangement and street extensions for other streets and drives in the Development shall be as shown in the 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 a standard as otherwise authorized by the Road Commission. The following provisions shall apply to individual lot access:
  - (a) Direct access to individual lots having frontage on Quincy Avenue shall be prohibited.
6. Development Timing. The timing of the Development shall be accomplished in the manner depicted on the 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 (Reference Par. (8).
  - (b) Approval for each single family residential phase 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.

7. 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 use of surface water detention areas in the locations 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 are ultimately sized, designed and constructed to comply with the minimum requirements for drainage in platted subdivisions as promulgated by the Ottawa County Drain Commission, 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 Drain Commission. The County Drain Commissioner, through assessment of the property owners or other lawful means, shall accomplish the maintenance of and improvements in the detention ponds or the same shall be accomplished by the owners of lands in the Development, through an association of such owners or other lawful means.
  
8. 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 Jamestown Charter Township. Prior to construction, all plans for the water and sanitary systems shall be approved by the Township’s engineers and other agencies or authorities having jurisdiction regarding such utilities. 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 pursuant to Article V, Section 5.3 g (and Section 5.3 h) of the Township’s Subdivision Control Ordinance. Under the agreement, the Developer 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, and may include a share of the cost of extending such improvements to serve the Development. This 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 be executed prior to the issuance of any building permit for the Development or a phase of the Development as the case may be.
  
9. Street Trees and Planting Strip. Street trees along internal streets and a green belt planting along Quincy Ave. as outlined under Section 5.3 (l) and (n) of the Subdivision Control Ordinance, shall be required. The approval of detailed landscape plans by the Planning Commission shall be required as part of the final preliminary plat approval of each phase of the Development. Installation of the greenbelt planting strip along Quincy Street. is required commensurate with Final Plat approval.

**MINIMUM PLANTING STRIP REQUIREMENT  
PER 100 LINEAR FEET OF QUINCY AVENUE FRONTAGE**

Plant Type	Quantity	Size*
Deciduous Canopy Tree	2	2” Caliper
Deciduous Ornamental Tree	1	1-1/2” Caliper
Evergreen / Conifer Tree	4	5 feet height

10. Sidewalks and Pedestrian Ways. Sidewalks shall be provided in the Development on both sides of continuous streets (streets intended to be extended beyond the developments boundary) and along one side of the internal the internal cul-de-sac streets.  

A bicycle path shall be constructed at the Developer's expense along the development's Quincy Street frontage as indicated on the Plan. This improvement shall be constructed to a uniform standard as established by the Township and applied to similar paths in the Township. Construction of the path may be completed in up to two segments. The first segment shall be accomplished entirely as part of Phase I and shall coincide with the length of Quincy Street frontage extending from the west property line of the development to the east boundary line of Phase I. The second segment will coincide with the length of Quincy street frontage contained in Phase III. Each segment shall be commenced and completed along with the street and utility improvements associated with the platting of Phases I and III.

The Developer may be entitled to a partial reimbursement of costs relating to the construction of the bicycle path as may be provided under the terms of the development agreement between the Township and Developer under Section 7 of this Ordinance. This 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 be executed prior to the issuance of any building permit for the Development or a phase of the Development, as the case may be.
11. Open Space. Areas represented on the Plan as proposed open space/ private park 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, non-motorized trails, 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 plat review and approval process and an instrument in a form acceptable to the Township shall be recorded by the Developer to that effect.
12. Signage and Outdoor Lighting. There shall be street lighting in the Development in accordance with the requirements of Section 5.3 (k) or the Subdivision Control Ordinance shall be required. 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 Plan. The maximum height of the sign shall be 48 inches and the size of each sign may not exceed 32 square feet.
13. 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.
14. 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 final plat for the development. Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance.
15. Association of Owners. The restrictive covenants 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 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.

**Section 3.0** The Planning Commission has in its recommendation and the Township Board hereby determines that the Application and the Plan comply with the provisions of the Zoning Ordinance and promote 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 4.0** The Township may enforce the provisions of this Ordinance and other applicable provisions of the Zoning Ordinance, Subdivision Control Ordinance, Building Code and other Ordinances, laws and regulations to the extent and in any manner provided by law.

**Section 5.0** The time limitations on the commencement of construction of the Development as stated in Section 16.13B of the Zoning Ordinance shall apply.

**Section 6.0** Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on \_\_\_\_\_, 2004 after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

\_\_\_\_\_  
James Miedema, Supervisor

\_\_\_\_\_  
Ruth Pruis, Clerk

CERTIFICATE

I, Ruth Pruis, the Clerk for the Charter Township of Jamestown, Ottawa County, Michigan, do hereby certify that the foregoing Jamestown Charter Township Zoning Text and Map Amendment Ordinance was adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 2003.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_ voting in favor and members for the Board \_\_\_\_\_ voting in opposition.

\_\_\_\_\_  
Ruth Pruis  
Jamestown Charter Township Clerk

## BRIDLEWOOD PLANNED DEVELOPMENT

### ORDINANCE NO. 98-009

#### AN ORDINANCE to amend the Zoning Ordinance of the Jamestown Charter Township

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**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 Bridlewood. Property Description

That part of Section 3, Town 5 North, Range 13 West, described as follows:  
The South 1/2 of the Northwest fractional 1/4 of Section 3 and the West 13/93 of the South 1/2 of the Northeast fractional 1/4 of Section 3 and the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 3, all in Town 5 North, Range 13 West, Jamestown Charter Township, Ottawa County, Michigan, except the Consumers Power Company right of way and except that part lying South of the Consumers Power Company right of way.

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

1. Development Plan. The Development Plan includes the drawing labeled Planned Development Plan of Bridlewood dated 8-27-98, and prepared by Focus Engineering and Surveying, PC, project File No. 970806 as submitted by the Applicant in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).
2. Nature of Development. The Development is comprised of 182 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the 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 8.4c of the Zoning Ordinance.
3. Boundaries and Lot Areas. The boundaries of the Development, and all platted lots and all shall be as shown on the Development Plan (“the Plan”).
4. Minimum Principal Building Setbacks.
  - (a) Front Yard = 35 feet, except where indicated on the development plan.
  - (b) Side Yard = 10 minimum one side/20 feet total for both sides.
  - (c) Rear Yard = 40 feet.
5. Site Access, Streets and Drives. Access to the Development shall be from 22nd Street as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the 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. The following provisions shall apply to individual lot access:
  - (a) Direct access from 22nd Avenue to individual lots shall be prohibited.
  - (b) Lots 1, 35, 90 and 114 shall not have direct driveway access to Bridlewood Drive.

- (c) Flag lots 152 and 153, 172 and 173 and 175 and 176 are required to be served by a single common driveway.
  - (d) Joint access drives shall consist of asphalt or concrete and shall further meet the standards of Section 3.28 of the Zoning Ordinance.
  - (e) Provisions for the maintenance and snow plowing of common driveways shall be contained in the restrictive covenants for the development.
6. 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 (Reference Par. (7)).
  - (b) Approval for each single family residential phase 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) Phase VII (Lots 179, 180, 181 and 182) shall be conditional on the development of a future road providing them direct access as shown on the Plan.
7. 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 Drain Commission, 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 Drain Commission. The maintenance of and improvements in the detention ponds shall be accomplished by the County Drain 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.
8. 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 Jamestown Charter 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 5.3 g) and Section 5.3 h) of the Township's Subdivision Control Ordinance. Under the agreement, the developer 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 a fair share of 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.
9. Street Trees and Planting Strip. There shall be trees or other landscaping planted and maintained in the buffer areas along 22nd Avenue indicated in the following table. In addition, street trees as outlined under Section 5.3(n) of the Subdivision Control Ordinance, shall be required. The approval of detailed landscape plans by the Planning Commission shall be required as part of the final preliminary plat approval of each phase. Installation of landscaping indicated on the plan for each phase of the plat shall be required commensurate with the construction of each phase.

**MINIMUM PLANTING STRIP REQUIREMENT  
PER 100 LINEAR FEET OF 22ND AVENUE FRONTAGE**

Plant Type	Quantity	Size*
Deciduous Canopy Tree	2	2" Caliper
Deciduous Ornamental Tree	1	1-1/2" Caliper
Evergreen / Conifer Tree	4	5 feet height

10. Sidewalks and Pedestrian Ways. Sidewalks shall be provided in the development on one side of each internal street, in accordance with the standards of Section 5.3(j) of the Subdivision Control Ordinance. Furthermore, a sidewalk/bikeway shall be provided along each side of 22nd Street.
11. Open Space. Areas represented on the 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 plat review and approval process.
12. Signage and Outdoor Lighting. There shall be street lighting in the Development in accordance with the requirements of Section 5.3 (k) or the Subdivision Control Ordinance, shall be required. 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. Two identifying signs shall be allowed for the development as located on the Development Plan. The maximum height of each sign shall be 48 inches and the size of each sign may not exceed 32 square feet.
13. 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.
14. 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 plat phases of the development. Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance
15. Association of Owners. The restrictive covenants 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 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.

**Section 3.0**

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

**Section 5.0** The time limitations on the construction of the Development as stated in Section 16.15 of the Zoning Ordinance shall apply only to the first phase of single family residential development.

**Section 6.0** Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on October 26, 1998, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

## VALLEY VISTA PLANNED DEVELOPMENT

ORDINANCE NO. 00 –001  
(as amended by Ordinance 03-002)  
**AN ORDINANCE to amend the Zoning Ordinance of the  
Jamestown Charter Township**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

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-3 Residential District to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of Valley Vista Town Homes and Apartments.

**(Valley Vista Town Homes and Apartments)** Part of the Southwest 1/4 and the Southeast 1/4, Section 4, T5N, R13W, Jamestown Charter Township, Ottawa County, Michigan, described as: the Southwest 1/4 of the Southeast 1/4 of the Southwest 1/4, except the South 268.06 feet of the West 325 feet thereof. Also, the West 1/8 of the Southeast 1/4 of said Section, except the following 2 parcels:

- A: The North 7 acres.
- B: Commencing at the Southwest corner thereof; thence North 200 feet; thence East 260 feet; thence South 200 feet; thence West 260 feet to the point of beginning. Also, the Southeast 1/4 of the Northeast 1/4 of the Southwest 1/4 of said Section, and the East 1/2 of the Southeast 1/4 of the Southwest 1/4, EXCEPT part of the East 1/2 of the Southeast 1/4 of the Southwest 1/4 of said Section, as described as: Commencing at the South 1/4 of Corner of said Section; thence S89°46'01"W 275.00 feet along the South line of said Section to the point of beginning; thence N01°24'24"E 182.00 feet; thence S89°46'05"W 63.90 feet; thence N01°26'09"E 448.00 feet; thence S89°46'01"W 166.00 feet; thence S01°26'09"W 630.00 feet; thence N89°46'01"E 230.00 to the point of beginning,

Section 2.0. The rezoning of the above-described lands to the Planned Development District, in accordance with the Planned Development Plan of Valley Vista Town Homes and Apartments ("the Development") is expressly subject to all of the following terms and conditions:

1. Development Plan. The Development Plan includes the drawing labeled Final Planned Development Plan of Valley Vista Town Homes and Apartments as revised and dated January 20,2003, and prepared by Nederveld Associates Inc., project File No. 972633L22 (Appendix A) together with the attached floor plans, building elevations and 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.
2. Nature of Development. The Development is comprised of apartment and townhouse residential living quarters along with associated garages, parking areas, maintenance and management offices and associated site improvements. The development will be completed in up to 7 phases as indicated on the Development Plan. The mix and location of the various apartments, townhouses, open spaces and appurtenant uses shall be as delineated on the Development Plan.
3. Boundaries and Lot Areas. The boundaries of the Development shall be as shown on the Development Plan ("the Plan").
4. Site Access, Streets and Drives. Access to the Development shall be from Quincy Street as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the Plan. Internal streets serving the development will be private

streets. The private streets 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 24 to 30 feet wide valley inverted crown or valley gutter cross-section.

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.
  - (b) Final approval of each 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.
6. 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 internal street system and through the construction and use of detention areas, weirs and natural watercourses 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 areas as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage as required by the Ottawa County Drain Commission. The overall plans of the storm water drainage system shall be subject to approval of the Ottawa County Drain Commission. The maintenance of and improvements for drainage shall be accomplished by the County Drain Commission, or the same shall be accomplished by the Developer. Prior to the construction of any phase of the development, final plans for each phase of the storm water management system shall be submitted to the Ottawa County Drain Commission for approval.
7. 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 Jamestown Charter Township. All Plans for the water and wastewater systems 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.
8. Landscaping. There shall be trees, shrubbery or other landscaping planted and maintained in the areas indicated on the ***Development Plan and the Landscape and Screening plan. Appendix D.***
9. Signage and Outdoor Lighting. There shall be street and outdoor lighting in the Development as indicated on the plan. The cost of installation and maintenance thereof shall be at the expense of the Developer. Signs shall be as indicated on the development plan.
10. 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.
11. Sidewalks and Bicycle path. Sidewalks shall be provided within the development as indicated on the plan as part of each applicable phase of internal street construction. They shall be constructed to standards for platted subdivisions as approved by the Township. A bicycle path shall be constructed at the developers expense along the

development's Quincy street frontage as well as adjacent parcels 300-037, 300-039 and 400-011 as indicated on the plan This improvement will be constructed to a uniform standard to be established by the Township and applied to similar trails in the Township.

12. Open Space. Areas represented on the Development Plan as undeveloped shall be maintained as open space for the common usage and enjoyment of the residents of the development. Use of such areas shall be limited to outdoor recreation, drainage and wildlife habitat.

**Section 3.0**

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 4.0**

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 5.0**

The time limitations on the construction of the Development as stated in Section 16.15 of the Zoning Ordinance shall apply only to the first phase of the development.

**Section 6.0**

Effective Date. The foregoing 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 27, 2003, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

## JAMESFIELD PLANNED DEVELOPMENT

### ORDINANCE NO. 98-009

#### AN ORDINANCE to amend the Zoning Ordinance of the Jamestown Charter Township

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**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 to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of Jamesfield.

Legal Description of Project:

The east 3/8 of the West 1/2 of the SW 1/4 or Section 9, T5N, R13W, Jamestown Charter Township, Ottawa County, Michigan, except the South 308 feet of the East 300 feet, also except the South 452.3 feet lying West of a line 300 feet West of the West 1/8 line, also the South 3/4 of the East 1/2 of the SW 1/4, of said Section 9, except the South 165 feet of the East 132 feet.

**Section 2.0** The Planned Development Plan of Jamesfield (“the Development”) is expressly subject to all of the following terms and conditions:

1. **Development Plan.** The plan for the development includes the drawing labeled Planned Development Plan of Jamesfield dated February 1, 2001 and prepared by Exxel Engineering, project File No. 992534E as submitted by the Applicant in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix) (the “Original Development Plan”), as well as that certain “Preliminary Plat Phase No. 4” plan initially dated as of July 8, 2005 (last revision dated December 31, 2014) (the “Phase No. 4 Plan”) and the related Grading and Soil Erosion Control Plan for Jamesfield - Phase 4 (the “Phase No. 4 Grading Plan”) (collectively, the Original Development Plan, the Phase No. 4 Plan and the Phase No. 4 Grading Plan are referred to in this Ordinance as the “Development Plan” or the “Plan”). The Phase No. 4 Plan may make changes to the Original Development Plan.
2. **Nature of Development.** The Development is comprised of 126 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the 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 8.4c of the Zoning Ordinance.
3. **Boundaries and Lot Areas.** The boundaries of the Development, and all platted lots and all shall be as shown on the Development Plan (“the Plan”).
4. **Minimum Principal Building Setbacks.**
  - (a) Front Yard = 35 feet, except where indicated on the development plan.
  - (b) Side Yard = 10 minimum one side/20 feet total for both sides.
  - (c) Rear Yard = 50 feet.
5. **Site Access, Streets and Drives.** Access to the Development shall be from Riley Street and Greenly Street as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the 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.

Final Plat approval of Phase three is to be further conditioned on 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 together with the Developer of the adjacent Spring Meadows PD will share in the direct cost of improvements to Greenly Street. The Developer's share in cost, to be determined at the time of prior final PD approval by the Township Board may be born by the two developers. In the event that any additional owners of private property along Greenly agree to participate in the improvements, the Developer's share may be pro-rated between the various private interests. These terms shall be agreed on in writing as part of the development agreement specified in paragraph (a) below.

6. Development Phasing. The Phasing of the development shall be accomplished in four phases and 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 (Reference Par. (5) and (7).
  - (b) Approval for each single family residential phase 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.
7. 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 Drain Commission, 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 Drain Commission. The maintenance of and improvements in the detention ponds shall be accomplished by the County Drain 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.
8. 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 Jamestown Charter 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 5.3 g) and Section 5.3 h) of the Township's Subdivision Control Ordinance. Under the agreement, the developer 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 a fair share of 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.

9. Street Trees and Planting Strip. There shall be trees or other landscaping planted and maintained in the designated landscape easements and open spaces fronting Riley Street and Greenly Street as indicated in the following table. In addition, street trees as outlined under Section 5.3(n) of the Subdivision Control Ordinance, shall be required along internal streets. The approval on detailed landscape plans by the Township will be required as part of the final preliminary plat approval of each phase. Installation of landscaping indicated on the plan for each phase of the plat is be required commensurate with the construction of each phase.

**MINIMUM PLANTING STRIP REQUIREMENT  
PER 100 LINEAR FEET OF GREENLY AND RILEY STREET FRONTAGE**

Plant Type	Quantity	Size*
Deciduous Canopy Tree	2	2" Caliper
Deciduous Ornamental Tree	1	1-1/2" Caliper
Evergreen / Conifer Tree	4	5 feet height

10. Sidewalks and Pedestrian Ways. Sidewalks shall be provided in the development on one side of each internal street, in accordance with the standards of Section 5.3(j) of the Subdivision Control Ordinance. Furthermore, an eight feet multi-purpose trail shall be provided along the frontages of Riley and Greenly Streets. Walkways shall also be installed between lots 4 and 5 and 28 and 29 as indicated on the plan.
11. Open Space. Areas represented on the 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 plat review and approval process.
12. Signage and Outdoor Lighting. There shall be street lighting in the Development in accordance with the requirements of Section 5.3 (k) or the Subdivision Control Ordinance. 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. One identifying ground sign is allowed for the development located at the main entrance. The maximum height of each sign should be limited to 48 inches and the size of each sign limited to 36 square feet. The sign shall be set back at least 20 feet from all property lines.
13. 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.
14. 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 plat phases of the development. Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance
15. Association of Owners. The restrictive covenants 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 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.

**Section 3.0** 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 4.0** The Township may enforce the provisions of this Ordinance and other applicable provisions of the Zoning Ordinance, Subdivision Control Ordinance, Building Code and other Ordinances, laws and regulations to the extent and in any manner provided by law.

**Section 5.0** The time limitations on the construction of the Development as stated in Section 16.15 of the Zoning Ordinance shall apply only to the first phase of single family residential development.

**Section 6.0** Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on March 26, 2001, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.



## COUNTRY LIVING ESTATES PLANNED DEVELOPMENT

### ORDINANCE NO. 02-007

AN ORDINANCE to amend the Zoning Ordinance of the  
Jamestown Charter Township

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**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-1 Residential District to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of Country Living Estates.

Property Description:

The East 31 5/8 acres of the South 5/8 of the West 1/2 of the Southwest 1/4 of Section 3, Town 5 North, range 13 West, Jamestown Charter Township, Ottawa County, Michigan, except the East 189.50 feet of the North 631.00 feet and except the South 368.00 feet.

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

1. **Development Plan.** The Development Plan includes the drawing labeled Planned Development Plan of Country Living Estates dated May 14, 2002 as proposed by Pinetree Development Company, LLC and prepared by Focus Engineering and Surveying, Inc., project File No. 202992 as submitted by the Applicant in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).
2. **Nature of Development.** The Development is comprised of 35 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the 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 8.4C of the Zoning Ordinance.
3. **Boundaries and Lot Areas.** The boundaries of the Development, and all platted lots and all shall be as shown on the Development Plan (“the Plan”).
4. **Minimum Principal Building Setbacks.**
  - (a) Front Yard = 35 feet, except where indicated on the development plan.
  - (b) Side Yard = 10 minimum one side/20 feet total for both sides.
  - (c) Rear Yard = 35 feet.
5. **Site Access, Streets and Drives.** Access to the Development shall be from 22nd Avenue as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the 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. Direct access from 22nd Avenue to individual lots shall be prohibited.
6. **Development Phasing.** Phasing of the development may be accomplished, 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 (Reference Par. (8).
  - (b) Approval for each single family residential phase 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.
7. 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 Drain Commission, 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 Drain Commission. The maintenance of and improvements in the detention ponds shall be accomplished by the County Drain 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.
  8. 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 Jamestown Charter 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 5.3 g) and Section 5.3 h) of the Township's Subdivision Control Ordinance. Under the agreement, the developer 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 a fair share of 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.
  9. Street Trees and Planting Strip. A planted berm and barrier strip shall also be created along the north property line with the Evers parcel, in accordance with the approved final Planned Development plan. There shall also be trees or other landscaping planted and maintained in the buffer areas along 22 Avenue. In addition, street trees as outlined under Section 5.3(n) of the Subdivision Control Ordinance, shall be required. The approval of detailed landscape plans by the Planning Commission shall be required as part of the final preliminary plat approval. Installation of landscaping indicated on the plan shall be required commensurate with the completion of construction.
  10. Sidewalks and Pedestrian Ways. Sidewalks shall be provided in the development on one side of each internal street, in accordance with the standards of Section 5.3(j) of the Subdivision Control Ordinance. Furthermore, the developer shall contribute fifty percent of the cost of installing a bikeway along one side of 22nd Avenue for a distance equivalent to the length of development's frontage along 22 Ave.
  11. Open Space. Areas represented on the 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 plat review and approval process.

12. Signage and Outdoor Lighting. There shall be street lighting in the Development in accordance with the requirements of Section 5.3 (k) or the Subdivision Control Ordinance, shall be required. 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. One identifying sign shall be allowed for the development as located on the Development Plan. The maximum height of each sign shall be 48 inches and the size of each sign may not exceed 32 square feet.
13. 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.
14. 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 plat phases of the development. Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance
15. Association of Owners. The restrictive covenants 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 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.

**Section 3.0**

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 4.0**

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

**Section 5.0**

The time limitations on the construction of the Development as stated in Section 16.15 of the Zoning Ordinance shall apply only to the first phase of single family residential development.

**Section 6.0**

Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on

June 24, 2002, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

## ROLLING MEADOWS ESTATES PLANNED DEVELOPMENT

### ORDINANCE NO. 02-008

AN ORDINANCE to amend the Zoning Ordinance of the  
Jamestown Charter Township

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**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-1 Residential District to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of Rolling Meadows Estates. Property Description

That east ½ of the SW ¼ of Section 3, Town 5 North, Range 13 West, Jamestown Charter Township, Ottawa County, Michigan, except the Consumers Power Co. right of way. Also except that part of the said SW ¼ described as: Beginning at a point on the South line of said SW ¼, which is S87°58'27"W 506.40 feet from the South ¼ corner of Section 3; thence S87°58'27"W 831.28 feet along the South line of said SW1/4; thence N01°29'19"E 523.00 feet along the West line of the East ½ of said SW 1/4; thence N87°58'27"E 831.28 feet; thence S01°29'19"W 523.00 feet to the point of beginning. Also that part of the West 330.00 feet of the SE1/4, Section 3 T5N, R13W, lying north of Angling road.

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

1. **Development Plan.** The Development Plan includes the drawing labeled Planned Development Plan of Rolling Meadows dated March 25, 2002 and prepared by Exxel Engineering, Inc., project File No. 013055E as submitted by the Applicant in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).
2. **Nature of Development.** The Development is comprised of 154 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the 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 8.4C of the Zoning Ordinance.
3. **Boundaries and Lot Areas.** The boundaries of the Development, and all platted lots and all shall be as shown on the Development Plan ("the Plan").
4. **Minimum Principal Building Setbacks.**
  - (a) Front Yard = 35 feet, except where indicated on the development plan.
  - (b) Side Yard = 10 minimum one side/20 feet total for both sides.
  - (c) Rear Yard = 35 feet.
5. **Site Access, Streets and Drives.** Access to the Development shall be from 22nd Avenue and Quincy Street as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the 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. Direct access from 22nd Avenue and Quincy Street to individual lots shall be prohibited.

6. Development Phasing. The Phasing of the development with up to four phases may be accomplished, 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 (Reference Par. (8).
  - (b) Approval for each single family residential phase 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.
7. 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 Drain Commission, 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 Drain Commission. The maintenance of and improvements in the detention ponds shall be accomplished by the County Drain 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.
8. 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 Jamestown Charter 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 5.3 g) and Section 5.3 h) of the Township's Subdivision Control Ordinance. Under the agreement, the developer 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 a fair share of 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.
9. Street Trees and Planting Strip. There shall be trees or other landscaping planted and maintained in the buffer areas along Quincy and 22 Avenue. In addition, street trees as outlined under Section 5.3(n) of the Subdivision Control Ordinance, shall be required. The approval of detailed landscape plans by the Planning Commission shall be required as part of the final preliminary plat approval of each phase. Installation of landscaping indicated on the plan for each phase of the plat shall be required commensurate with the completion of construction of each phase.
10. Sidewalks and Pedestrian Ways. Sidewalks shall be provided in the development on both sides of each internal street, in accordance with the standards of Section 5.3(j) of the Subdivision Control Ordinance. Furthermore, the developer shall contribute fifty percent of the cost of installing a bikeway along one side of 22nd avenue and Quincy St. for

distances equivalent to the length of development's frontage along 22 Ave. and Quincy Street.

11. Open Space. Areas represented on the 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 plat review and approval process.
12. Signage and Outdoor Lighting. There shall be street lighting in the Development in accordance with the requirements of Section 5.3 (k) or the Subdivision Control Ordinance, shall be required. 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. Two identifying signs shall be allowed for the development as located on the Development Plan. The maximum height of each sign shall be 48 inches and the size of each sign may not exceed 32 square feet.
13. 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.
14. 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 plat phases of the development. Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance
15. Association of Owners. The restrictive covenants 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 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.

### **Section 3.0**

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 4.0**

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

**Section 5.0** The time limitations on the construction of the Development as stated in Section 16.15 of the Zoning Ordinance shall apply only to the first phase of single family residential development.

**Section 6.0** Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on June 24, 2002, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.



## COUNTRY ACRES ESTATES PLANNED DEVELOPMENT

ORDINANCE NO.03-006

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

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**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-1 Residential District to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of Country Acres Estate. The property is described as follows:  
Part of the NW ¼ commencing 224 feet north of west ¼ Co., thence north 332 feet, thence east 300 feet, thence north 200 feet, thence east 1020 feet more or less to the west 1/8 line, thence south 756 feet, thence west 990 feet more or less to a point 330 feet east of the west section line, thence north 224 feet, thence west 330 feet to the point of beginning.  
Containing 20.4 acres.

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

1. **Development Plan.** The Development Plan includes the drawing labeled Planned Development Plan of Country Acres Estates dated 7/11/13, and prepared by Focus Engineering and Surveying, PC, project File No. 203534 as submitted by the Applicant in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).
2. **Nature of Development.** The Development is comprised of 25 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the Plan and shall be used only for one single family detached dwelling and for residential purposes and such accessory buildings as permitted under the provisions of Section 8.4c of the Zoning Ordinance.
3. **Boundaries and Lot Areas.** The boundaries of the Development, and all platted lots and all shall be as shown on the Development Plan (“the Plan”).
4. **Minimum Principal Building Setbacks and Floor Area , accessory buildings and signs.** The provisions of Section 8.4 of the Jamestown Charter Township Zoning Ordinance shall apply.
5. **Site Access, Streets and Drives.** Access to the Development shall be from 24<sup>th</sup> Avenue as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the 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 a standard as otherwise authorized by the Road Commission. The following provisions shall apply to individual lot access:
  - a. Direct access from 124<sup>th</sup> Avenue to individual lots shall be prohibited.

6. Development Timing. The timing 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 (Reference Par. (7).
  - (b) Approval for each single family residential phase 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.
7. Surface Water Drainage. Surface water runoff from the Development will drain to the existing drains serving the property. Storm water run-off 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 Drain Commission, 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 Drain Commission. The maintenance of and improvements in the detention ponds shall be accomplished by the County Drain 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.
8. 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 Jamestown Charter 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 utilities. 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 5.3 g) and Section 5.3 h) of the Township's Subdivision Control Ordinance. Under the agreement, the developer 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, and may include a share of 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.
9. Street Trees and Planting Strip. Street trees along internal streets and a green belt planting along 124<sup>th</sup> Ave. as outlined under Section 5.3 (l) and (n) of the Subdivision Control Ordinance, shall be required. The approval of detailed landscape plans by the Planning Commission shall be required as part of the final preliminary plat approval of the development. Installation of the greenbelt planting strip along 124<sup>th</sup> Ave. is required commensurate with Final Plat approval.

**MINIMUM PLANTING STRIP REQUIREMENT  
PER 100 LINEAR FEET OF 124<sup>th</sup> AVENUE FRONTAGE**

Plant Type	Quantity	Size*
Deciduous Canopy Tree	2	2" Caliper

Deciduous Ornamental Tree	1	1-1/2" Caliper
Evergreen / Conifer Tree	4	5 feet height

10. Sidewalks and Pedestrian Ways. Sidewalks shall be provided in the development on one side of the internal street as indicated on the development plan.  
A bicycle path shall be constructed at the developers expense along the development's Greenly Street frontage as indicated on Appendix E of the Development Plan. This improvement will be constructed to a uniform standard as established by the Township and applied to similar paths in the Township.
11. Open Space. Areas represented on the 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 plat review and approval process.
12. Signage and Outdoor Lighting. There shall be street lighting in the Development in accordance with the requirements of Section 5.3 (k) or the Subdivision Control Ordinance shall be required. 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. One identifying sign shall be allowed for the development as located on the Development Plan. The maximum height of the sign shall be 48 inches and the size of each sign may not exceed 32 square feet.
13. 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.
14. 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 final plat for the development . Such restrictive covenants shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance
15. Association of Owners. The restrictive covenants 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 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.

**Section 3.0**

The Planning Commission and Township Board hereby determine that the Planned Development 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 4.0** Pursuant to Section 16-12 of the Zoning Ordinance, the Applicant shall provide to the Township a surety bond or an irrevocable letter of credit in a form acceptable to the Township covering the estimated costs of improvements associated with development.

**Section 5.0** The Township may enforce the provisions of this Ordinance and other applicable provisions of the Zoning Ordinance, Subdivision Control Ordinance, Building Code and other Ordinances, laws and regulations to the extent and in any manner provided by law.

**Section 6.0** The time limitations on the construction of the Development as stated in Section 16.15 of the Zoning Ordinance shall apply.

**Section 7.0** Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan, on \_\_\_\_\_, 2003, after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

GREENTREE ESTATES PLANNED DEVELOPMENT

JAMESTOWN CHARTER TOWNSHIP  
COUNTY OF OTTAWA, MICHIGAN

Minutes of a regular meeting of the Township Board of the Jamestown Charter Township, held at the Township Hall, 2380 Riley Street, Jamestown, Michigan, on the 9th day of February, 2004, at 7:00 p.m.

Present: SCOTT BROUWER, JIM MIEDEMA, RUTH PRUIS, STEVE RAU, NORMA  
SHAARDA AND MIKE SIPE

Absent: NONE

The following ordinance amendment was offered by Member RAU and supported by Member SHAARDA.

ORDINANCE NO. 04-004

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

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**Section 1.** 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-1 Residential District to a Planned Development (PD) District, in accordance with the Final Planned Development Plan of GREENTREE ESTATES. The property is described as follows:

THE NORTH 680.91 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9,  
T5N, R13W, JAMESTOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN

**Section 2.** The rezoning of the above-described lands to the Planned Development District for purposes of development of thee GREENTREE ESTATES PD (“the Development”) is expressly subject to all of the following terms and conditions:

- a. **Plan.** The Plan includes the drawing labeled Final Planned Development Plan of GREENTREE ESTATES dated September 16, 2003, and prepared by Roosien and Associates Inc., Project File No. 030899s4 as submitted by the Applicant and in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix), subject to such modifications, if any, made during the plat review and approval process for any phase and consistent with this rezoning.
- b. **Nature of Development.** The Development is comprised of 34 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the Plan and shall be used only for one single family detached dwelling and for residential purposes and such accessory buildings as permitted under the provisions of Section 8.4c of the zoning ordinance.
- c. **Boundaries and Lot Areas.** The boundaries of the Development, and all lots and open spaces shall be as shown on the Plan.
- d. **Minimum Principal Building Setbacks and Floor Area, Accessory Buildings and Signs.**

(1) Minimum Principal Building Setbacks

(a) Front Yard = 35 feet, except where indicated on the Plan;

- (b) Street Side of Corner Lot = 35;
- (c) Side Yard = 10 minimum one side/20 feet total for both sides;
- (d) Rear Yard = 30 feet.

(2) The provisions of Sections 8.4b and 8.4c of the Jamestown Township Zoning Ordinance shall be the floor area and accessory building requirements applicable to the Development.

e. **Site Access. Streets and Drives.** Access to the Development shall be from Greenly Street and result in the extension of proposed James Ridge Drive as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the 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 a standard as otherwise authorized by the Road Commission. The following provisions shall apply to individual lot access:

- (1) Direct access to individual lots having frontage on Greenly Street shall be prohibited.
- (2) Flag lots 33 and 34 are required to be served by a single common driveway.
- (3) Joint access drives shall consist of asphalt or concrete and shall further meet the standards of Section 3.28 of the Zoning Ordinance.
- (4) Provisions for the maintenance and snow plowing of common driveways shall be contained in the restrictive covenants for the development.

f. **Development Timing.** The timing of the Development shall be accomplished in the manner depicted on the Plan, contingent upon the following;

- (1) Arrangements for adequate public sanitary sewer and water utilities capacity and infrastructure shall be made between the Township and the Developer (ref. Par. (8)).

g. **Surface Water Drainage.** 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 use of surface water detention areas in the locations shown on the Plan. It is the intention of this Ordinance that the storm water drainage system, including the pipes, catch basins and detention ponds are ultimately sized, designed and constructed to comply with the minimum green requirements for drainage in platted subdivisions as promulgated by the Ottawa County Drain Commission. The overall plans of the storm water drainage system shall be subject to approval of the Ottawa County Drain Commission. The County Drain Commissioner, through assessment of the property owners or other lawful means, shall accomplish the maintenance of and improvements in the detention ponds or the same shall be accomplished by the owners of lands in the Development, through an association of such owners or other lawful means.

h. **Sanitary Sewer and Water Supply.** 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 Jamestown Charter Township. Prior to construction, all plans for the water and sanitary systems shall be approved by the Township's engineers and other agencies or authorities having jurisdiction regarding such utilities. 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 pursuant to Article V, Section 5.3g and Section 5.3h of the Township's Subdivision Control Ordinance. Under the agreement, the Developer 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, and

may include a share of the cost of extending such improvements to serve the Development. This 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 be executed prior to the issuance of any building permit for the Development or a phase of the Development as the case may be.

- i. **Street Trees and Planting Strip.** Street trees along internal streets and a green belt planting along Quincy Ave. as outlined under Sections 5.3 (l) and (n) of the Subdivision Control Ordinance, shall be required. The approval of detailed landscape plans by the Planning Commission shall be required as part of the preliminary site condominium plan approval of the Development. Installation of the greenbelt planting strip along Greenly Street is required commensurate with site condominium plan approval.

Minimum Planting Strip Requirement  
Per 100 Linear Feet of Quincy Avenue Frontage

Plant Type	Quantity	Size*
Deciduous Canopy Tree	2	2" Caliper
Deciduous Ornamental Tree	1	1- 1/2" Caliper
Evergreen I Conifer Tree	4	5 feet height; 3 feet if placed on 2 foot berm

- j. **Sidewalks and Pedestrian Ways.** Sidewalks shall be provided in the Development on both sides of continuous streets (streets intended to be extended beyond the developments boundary) and along one side of the internal the internal cul-de-sac streets.

The developer shall contribute to the cost of the construction of a bicycle path be constructed along the North side of Greenly Street.

The Developer shall contribute to such construction costs relating to the bicycle path as be provided under the terms of the development agreement between the Township and Developer under Section 8 of this Ordinance. This 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 be executed prior to the issuance of any building permit for the Development.

- k. **Open Space.** Areas represented on the Plan as proposed open space shall be maintained as such for the common usage and enjoyment of the owners of building sites in the development. Use of such areas shall be limited to outdoor recreation, non-motorized trails, 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 site condominium plan review and approval process. Master deed and by-law provisions in a form acceptable to the Township shall be recorded by the Developer to that effect.
- l. **Signage and Outdoor Lighting.** There shall be street lighting in the Development in accordance with the requirements of Section 5.3k or the Subdivision Control Ordinance shall be required. 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 Plan. The maximum height of the sign shall be 48 inches and the size of each sign may not exceed 32 square feet.
- m. **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.

- n. **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 site condominium development plans and the Master deed for the development. Such restrictive covenants shall be consistent with the terms of this ordinance and other applicable sections of the Zoning Ordinance.
- o. **Association of Owners.** The restrictive covenants shall provide that an association of the owners for 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.

**Section 3.** The Planning Commission has in its recommendation and the Township Board hereby determines that the Application and the Plan comply with the provisions of the Zoning Ordinance and promote its intent and purposes. The Township Board further finds that the Development, upon 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.** The Township may enforce the provisions of this Ordinance and other applicable provisions of the Zoning Ordinance, Subdivision Control Ordinance, Building Code and other ordinances, laws and regulations to the extent and in any manner provided by law.

**Section 5.** The time limitations on the commencement of construction of the Development as stated in Section 16.13b of the Zoning Ordinance shall apply.

**Section 6.** Effective Date. The foregoing amendment to the Jamestown Charter Township Zoning Ordinance was approved by the Township Board of Jamestown Township, Ottawa County, Michigan, on February 9, 2004 after a public hearing as required pursuant to Michigan Act 184 of 1943, as amended. This Ordinance shall be effective on the eighth day after publication as is required in Section 11a of Act 184, as amended. This effective date shall be extended as necessary to comply with the requirements of Section 12 of Act 184, as amended.

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James Miedema, Supervisor

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Ruth Pruis, Clerk

CERTIFICATE



I, Ruth Pruis, the Clerk of the Charter Township of Jamestown, Ottawa County, Michigan, do hereby certify that the foregoing Jamestown Charter Township Zoning Text and Map Amendment Ordinance was adopted at a regular meeting of the Township Board held on February 9, 2004.

The Ordinance was adopted by the Township Board with members of the Board Brouwer, Miedema, Pruis, Rau, Shaarda and Sipe voting in favor and members of the Board None voting in opposition.

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Ruth Pruis,  
Jamestown Charter Township Clerk

**JAMESFIELD PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN  
COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 20<sup>th</sup> day of April 2015, at 7:00 p.m.

PRESENT: Members: Altman, Brouwer, Pruis, Bergwerff, Oskin and Tacoma

ABSENT: Members: None (1 position vacant)

The following Ordinance was offered by Member Bergwerff and supported by Member Tacoma.

**ORDINANCE NO. 15-001**

**AN ORDINANCE TO AMEND Chapter 34 of the Zoning Ordinance of the Charter Township of Jamestown regarding ordinance no. 98-009 (Jamesfield Planned Development)**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

**Amendment of Section 1.0.** Subsection 1 of Section 2.0 of Ordinance No. 98-009 of Chapter 34 of the Zoning Ordinance of the Charter Township of Jamestown (the "Zoning Ordinance") is hereby amended so as to read in its entirety as follows:

Section 2.0.1. Development Plan. The plan for the development includes the drawing labeled Planned Development Plan of Jamesfield dated February 1, 2001 and prepared by Exxel Engineering, project File No. 992534E as submitted by the Applicant in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix) (the "Original Development Plan"), as well as that certain "Preliminary Plat Phase No. 4" plan initially dated as of July 8, 2005 (last revision dated December 31, 2014) (the "Phase No. 4 Plan") and the related Grading and Soil Erosion Control Plan for Jamesfield - Phase 4 (the "Phase No. 4 Grading Plan") (collectively, the Original Development Plan, the Phase No. 4 Plan and the Phase No. 4 Grading Plan are referred to in this Ordinance as the "Development Plan" or the "Plan"). The Phase No. 4 Plan may make changes to the Original Development Plan.

**Amendment of Section 2.0.** Subsection 2 of Section 2.0 of Ordinance No. 98-009 of Chapter 34 of the Zoning Ordinance is hereby amended so as to read in its entirety as follows:

Section 2.0.2. Nature of Development. The Development is comprised of 126 platted single family residential lots, open space, streets and drainage improvements. Each detached single family residential lot shall be as delineated on the 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 8.4c of the Zoning Ordinance.

**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: Altman, Brouwer, Pruis, Bergwerff and Tacoma

NAYS: Oskin

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on April 20, 2015, and approved by me on \_\_\_\_\_, 2015.

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Kenneth Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:

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Ruth Pruis, 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 \_\_\_\_\_, 2015, and that the 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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Ruth Pruis  
Township Clerk

#### CERTIFICATE OF PUBLICATION

I, Ruth Pruis, 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 Valley Advance* on \_\_\_\_\_, 2015.

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Ruth Pruis  
Township Clerk

CREEKRIDGE PLANNED DEVELOPMENT

CHARTER TOWNSHIP OF JAMESTOWN

COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 15<sup>th</sup> day of January, 2018 at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Brouwer, Oskin, Altman, Miller, Tacoma

ABSENT:Members: None

The following Ordinance was offered by Member Tacoma and supported by Member Altman.

ORDINANCE NO. 17-006

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

[Creekridge Planned Development]

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

**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 zoning to the RPD Single Family Planned Development District, in accordance with the Development Plan (defined in Section 2(a), below) of Creekridge (the "Development"). The property is described as follows:

SW 1/4 OF NE 1/4 EXC COM SW COR TH E 396 FT, N 330 FT, W 396 FT S 330 FT TO BEG. SEC 10 T5N R13W 37A 70-18-10-200-002.

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) a letter addressed to Mr. Gregory Ransford dated July 27, 2017 from Nederveld with the subject title: "Creekridge – Final Planned Development Revised Submittal Jamestown Township, Ottawa County, Michigan"; (2) the bound book labeled "Creekridge Final Planned Development submitted by JAG Development, Inc., (the "Developer") and Nederveld, Inc., dated June 29, 2017", (the bound book includes a cover letter addressed to Mr. Gregory Ransford, Planner, dated June 29, 2017, a Creekridge Project Location Map, Creekridge Parcel Description, Creekridge Property Ownership Information, Quit Claim Deed Liber 5843 Page 998, Creekridge Narrative and Deviations, three (3) elevations and (3) floor plans furnished by Nederveld as well as the Covenants and Restrictions for Creekridge as submitted by the Developer (the "Restrictions")); (3) an undated drawing labeled "Creekridge Illustrative Site Rendering project number 16200184"; and (4) a drawing labeled "Creekridge Final Planned Development Site Layout Plan with a final revision date of 9/6/17 containing Sheet No. C-101, Sheet C-102 Final Planned Development Grading and Utilities Plan and Sheet No. L-100 Final Planned Development Landscape Plan", collectively submitted in connection with the application for PPD 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 63 internal single family residential lots, one (1) outlot, 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	12,600 square feet
Minimum lot width	90 feet, except outside corner lots at 80 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	35 feet
Total Acreage	37.58 acres (1,636,985 square feet, including Greenly Street R.O.W.)
Total Net Acreage	36.87 acres (1,606,008 square feet, excluding Greenly Street R.O.W.)
Total Number of Lots	64 (63 internal lots and 1 outlot)
Density (based on net acreage)	1.7 units per acre
Total Length of Street	3,506 linear feet
Total Open Space	4.6 acres (200,578 square feet) (12.49%)
Internal Street Trees	1 per every 50 feet of street frontage
Phase 1	Lots 1-29 & 49-64
Phase 2	Lots 30-48
Street Lights	12
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 Greenly Street as shown in the Development Plan. Street arrangement for other streets in the Development shall be as shown in the Development Plan. The streets in 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;

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.

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, payment in lieu of construction of a bike path along Greenly Street for the development frontage as shown on the Development Plan shall be paid to the Township in accordance with Section 19.16 of the Zoning Ordinance. Payment for such bike path shall be made to the Township at the time of execution of the Development Agreement. 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.

Except as otherwise stated in this Ordinance, the Development shall comply with the requirements of the R-1 zoning district.

The Development is subject to the comments and requirements of

the Township engineer as stated in the engineer's letter of March 8, 2017 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.

(1) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated March 8, 2017 and the planner's subsequent correspondence of July 31, 2017 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

**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:

(1) 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;



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

(3) 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.

**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.

**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, Oskin, Altman, Miller, Tacoma

NAYS: None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on January 15, 2018, and approved by me on \_\_\_\_\_, 2018.

\_\_\_\_\_

Ken Bergwerff, Supervisor

Charter Township of Jamestown

Attest:

\_\_\_\_\_

Candy DeHaan, Township Clerk

First Reading: October 16, 2017

Second Reading: January 15, 2018

Ordinance becomes effective: February 5, 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 January 15, 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.

\_\_\_\_\_  
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. 17-006 or a summary thereof, was published in the *Grand Valley Advance* and *Southwest Advance* on January 28, 2018.

\_\_\_\_\_  
Candy DeHaan  
Township Clerk

**DC STORAGE PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 19<sup>th</sup> day of September 2016, at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Altman, Brouwer, Tacoma, Oskin and Miller

ABSENT:Members: None

The following Ordinance was offered by Member Bergwerff and supported by Member DeHaan.

**ORDINANCE NO. 16-005**

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

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

Section 1. **Amendment of DC Storage Planned Development Ordinance.** The DC Storage Planned Development Ordinance (the "Planned Development Ordinance") adopted by the Township Board of the Charter Township of Jamestown (the "Township") on May 21, 2012 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 approve a "major change" to the Planned Development as described herein. The Planned Development and major change are applicable to the following described real property:

THAT PART OF NE 1/4 OF SE 1/4 LYING N OF I-196 R/W EXC CONSUMERS POWER R/W LYING S OF LI COM 441.25 FT S OF NE COR & RUNNING TH S 88D 08M 30S W 600.29 FT, TH S 80D 46M 15S W 734.38 FT TO E 1/8 LI AND LYING N OF LI COM 573.36 FT S OF NE COR & RUNNING TH S 88D 08M 30S W 586.46 FT, TH S 80D 46M 15S W 748.36 FT TO E 1/8 LI SEC 6 T5N R13W 70-18-06-400-021

Section 2. **Major Change to Planned Development; Amended Terms and Conditions of Planned Development.** The major change to the Planned Development, which is permitted pursuant to Section 19.15 of the Zoning Ordinance, is approved and the Planned Development shall be developed in accordance with the Final Development Plan of DC Storage (the "Development") as set forth herein, subject to all of the following terms and conditions:

(a) Final Development Plan. The Development includes the drawing labeled DC Storage Phase 1 – Expansion with revision date of 07-20-16, Drawing No. 1 of 2 and 2 of 2 prepared by Latitude Engineering and Surveying, Incorporated, Project No. L16014 and the Storage Building Elevation drawing prepared by Latitude Engineering and Surveying, Incorporated as well as the Landscape Plan prepared by Latitude Engineering and Surveying, Incorporated in connection with the application for Planned Development amendment and as attached hereto and made a part hereof (Appendix).

(b) Nature of Development; Summary of Development Plan. The Development is comprised of 18 storage buildings, pavement parking and drives, storm water controls, landscaping, an office and related infrastructure. The Development is comprised of two (2) phases. Phase 1 includes buildings A through F and is to be completed no later than January 1, 2022. Phase 2 includes buildings H through P (building G has been eliminated) and is to be completed no later than January 1, 2042. As shown below, the major change includes the construction of buildings D, E & F and the area of those buildings as set forth in Table 1 below.

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**

Building D	32,400 square feet in area
Building E	26,100 square feet in area
Building F	22,500 square feet in area
Building H	12,000 square feet in area
Building I	12,000 square feet in area
Building J	12,000 square feet in area
Building K	12,000 square feet in area
Building L	12,000 square feet in area
Building M	12,000 square feet in area
Building N	12,000 square feet in area
Building O	12,000 square feet in area
Building P	12,000 square feet in area

(c) Summary of Previous Final Development Plan. The Development Plan also includes the previous Final Development Plan labeled DC Storage Expansion with revision date of 02-12-13, Drawing No. 1 of 1 prepared by Latitude Engineering and Surveying, Incorporated, Project No. L06031 (the “Prior Landscape Plan”) for the purpose of documenting the required landscaping and Phase 2 details. The Development, as revised by this ordinance, shall be landscaped in accordance with the Prior Landscape Plan.

(d) Site Access, Streets and Drives. Access to the Development shall be from Ransom Street 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.

(f) Surface Water Drainage. Surface water runoff from the Development shall be contained in the detention basin as shown on the Development Plan and approved by the Township Engineer. 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.

(g) Landscaping. Landscaping as shown in the Development Plan shall be planted. Installation of landscaping indicated on the Development Plan and the Prior Landscape Plan for each phase of the Development shall be required to commence with the construction of each phase.

(h) Other Matters.

(1) Except as otherwise stated in this ordinance, the Development shall comply with the requirements of the AR zoning district.

(2) The Development is subject to the comments and requirements of the Township engineer as stated in the engineer's letter of June 7, 2016 and any subsequent letters, including among others the requirements of the engineer with respect to the storm water drainage system. The Development shall also comply with other or subsequent requirements of the Township engineer, under the terms of applicable Township ordinances.

(3) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated May 25, 2016 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:

(1) 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;

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

(3) 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.       **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.

Section 6.       AYES:     Bergwerff, DeHaan, Altman, Brouwer, Tacoma, Oskin and Miller

Section 7.       NAYS:   None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on September 19, 2016, and approved by me on September 27, 2016.

\_\_\_\_\_  
Kenneth Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:

\_\_\_\_\_  
Candy DeHaan, Township Clerk

First Reading: August 29, 2016

Second Reading: September 19, 2016

Ordinance becomes effective: October 9, 2016

**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 September 19, 2016, 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. 16-005, or a summary thereof, was published in the *Grand Valley Advance and Southwest Advance* on October 2, 2016..

\_\_\_\_\_

Candy DeHaan  
Township Clerk

**RILEY CROSSINGS PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 19<sup>th</sup> day of September 2016, at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Altman, Brouwer, Tacoma, Oskin and Miller

ABSENT:Members: None

The following Ordinance was offered by Member Tacoma and supported by Member Oskin.

**ORDINANCE NO. 16-004**

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

**[Riley Crossings 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 and R-1 zoning to the RPD Single Family Planned Development District, in accordance with the Final Development Plan of Riley Crossings. The property is described as follows:

S 30A OF W 50A OF E 1/2 OF SW 1/4, EXC COM SW CORN, THE E 247.5 FT, N 377.14 FT, W 72 FT, TH N 185 FT, W 175.5 FT TO W LI OF SD E 1/2 OF SW 1/4, TH S 562 FT TO BEG, ALSO EXC COM 91 FT W OF SE COR, TH W 378.5 FT, N 148.5 FT, E 378.5 FT, TH S 148.5 FT TO BEG, ALSO EXC COM SE COR, THE W 91 FT & N 148.5 FT TO BEG, TH W 316 FT, N 45D E 240.42 FT, E 130 FT, S 153.5 FT, TH S 45D E 23.33 FT TO BEG, ALSO EXC N 20 FT OF W 425.04 FT, ALSO S 10A OF W 15A OF E 30A OF E 1/2 OF SW 1/4, EXC COM 15 FT W OF SE COR, TH N 285 FT, W TO A PT 100 FT E OF W LI OF E 30A OF E 1/2 OF SW 1/4, TH S 67 FT, W 100 FT S 218 FT, TH E TO BEG. SEC 10 T5N R13W. 70-18-10-300-061

AND

PART OF E 1/2 OF SW 1/4 COM 115.5 FT E OF SW CORN, TH N 377.14 FT, W 115.5 FT, N 185 FT ALG W LI SD E 1/2 OF SW 1/4, THE E 175.5 FT, S 185 FT, TH E 72 FT, S 377.14 FT TO S SEC LI, TH W 132 FT TO BEG. SEC 10 T5N R13W. 70-18-10-300-062.

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 Final Development Plan of Riley Crossings (“the Development”) is expressly subject to all of the following terms and conditions:

- (a) Final Development Plan. The Development includes the drawing labeled Riley Crossings PD Plan Site Layout Plan with revision date of 07.21.16, Sheets No. C-101, C-102, L-201 prepared by Nederveld, Project No. 14201066 and the Site Plan Rendering document prepared by



Nederveld (the “Development Plan”) as well as the By-laws and Covenants and Restrictions for Riley Crossings as submitted by the Developer (the “Restrictions”) in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).

- (b) Nature of Development; Summary of Development Plan. The Development is comprised of 60 single family residential lots, two (2) outlots, open space, streets, bike paths, sidewalks, street trees and storm water detention. 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**

Average lot size	13,394 square feet
Smallest lot size	10,094 square feet
Largest lot size	22,676 square feet
Minimum lot width	80 feet
Total Gross Acreage	36.26 acres (1,579,677 square feet, including R.O.W.)
Total Net Acreage	24.84 acres (1,146,914 square feet, less wetland and R.O.W.)
Total Number of Lots	62 (60 subdivision lots, 1 existing home site, 1 outlot)
Density (based on net acreage)	2.49 units per acre / 2.79 per acre, less lot A
Total Length of Street	3,402 linear feet
Total Open Space	9.25 acres (403,341 square feet) (25.5%)
Street Trees	1 per 50 feet, minimum 2 inch caliper, 132 total
Phase 1	Lots 1 – 26
Phase 2	Lots 27 -60
Development Signage	Ground mounted, not to exceed 36 square feet, 6 feet in height
Street Lights	6
Internal sidewalk	5 feet in width
Bike path	Minimum 8 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) Principal Building Setback Requirements.

Front Yard Build-to Line: 30-35 feet, 30-40 feet for lots 50-54 only

Side Yard Minimum = 10 feet

Rear Yard Minimum = 25 feet

(e) Site Access, Streets and Drives. Access to the Development shall be from Riley Street as shown in the Development Plan. Street arrangement for other streets and drives in the Development shall be as shown in the Development Plan. The streets in 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. The following provisions shall apply to individual lot access:

(f) 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 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.

(g) Surface Water Drainage. Surface water runoff from the Development shall be contained in the detention basin 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 platted subdivisions as promulgated by the Office of the Ottawa County Water Resource 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 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.

(h) 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.

- (i) 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.
- (j) 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 shall be installed along Riley Street as shown on the Development Plan, as set forth in Section 2(b) of this Ordinance, and in accordance with Section 19.16 of the Zoning Ordinance.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) 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, and to the Planning Commission for approval, in its discretion, prior to recording and approval of individual plat

phases of the Development. The Restrictions shall be consistent with the terms of this Ordinance and other applicable sections of the Zoning Ordinance

- (o) 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, and to the Planning Commission, for approval in its discretion, prior to the recording or implementation of any such provisions.
- (p) 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 January 12, 2016, 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, under the terms of applicable Township ordinances.
  - (3) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated November 5, 2015 and the planner's subsequent correspondence of January 5, 2016 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:

(1) 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;

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

(3) 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, Altman, Brouwer, Tacoma, Oskin and Miller

NAYS:           None

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on September 19, 2016, and approved by me on September 27, 2016.

\_\_\_\_\_

Kenneth Bergwerff, Supervisor  
Charter Township of Jamestown

Attest:

\_\_\_\_\_

Candy DeHaan, Township Clerk

First Reading: August 15, 2016

Second Reading: September 19, 2016

Ordinance becomes effective: October 9, 2016

**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 September 19, 2016, 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. 16-004 or a summary thereof, was published in the *Grand Valley Advance and Southwest Advance* on October 2, 2016.

\_\_\_\_\_

Candy DeHaan

Township Clerk

SPRING GROVE VILLAGE PLANNED DEVELOPMENT

CHARTER TOWNSHIP OF JAMESTOWN

COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 19<sup>th</sup> day of November, 2018 at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Brouwer, Altman, Oskin, Miller and Tacoma

ABSENT:Members: None

The following Ordinance was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

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 dates 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, bike paths, 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, 2018 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.**

(d) 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.

(e) 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.

(f) 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:

(1) 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;

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

(3) 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.

\_\_\_\_\_

Ken Bergwerff, Supervisor

Charter Township of Jamestown

Attest:

\_\_\_\_\_

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.

\_\_\_\_\_  
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.

\_\_\_\_\_  
Candy DeHaan  
Township Clerk

TRILLIUM RIDGE CONDOMINIUMS PLANNED DEVELOPMENT

CHARTER TOWNSHIP OF JAMESTOWN

COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 19th day of March 2018 at 7:00 p.m.

PRESENT: Members: DeHaan, Brouwer, Altman, Oskin, Miller and Tacoma

ABSENT:Members: Bergwerff

The following Ordinance was offered by Member Oskin and supported by Member DeHaan.

ORDINANCE NO. 18-002

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

[Trillium Ridge Condominiums Planned Development]

THE CHARTER TOWNSHIP OF JAMESTOWN 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 zoning to the RPD Single Family Planned Development District, in accordance with the Final Development Plan of Trillium Ridge Condominiums. The property is described as follows:

THE S ½ OF THE NE ¼ OF THE NW FRACTIONAL ¼ OF SECTION 3 T5N, R13W, JAMESTOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN. ALSO THAT PART OF THE N FRACTIONAL ½ OF THE NE FRACTIONAL ¼ OF THE SECTION 3, T5N, R13W JAMESTOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE N-S LINE OF SAID SECTION WHICH IS S1°23'28"W 1,366.44 FEET FROM THE N ¼ CORNER OF SAID SECTION; THENCE N89°11'36"E 1331.0 FEET; THENCE S1°18'05"W 271.0 FEET ALONG THE EAST LINE OF THE W FRACTIONAL ½, OF THE N FRACTIONAL ½ OF THE NE FRACTIONAL ¼ OF SAID SECTION; THENCE S88°33'32"W 1332.04 FEET ALONG THE SOUTH LINE OF THE N FRACTIONAL ½ OF THE NE FRACTIONAL ¼ OF THE SECTION; THENCE N1°23'28"E 285.0 FEET ALONG SAID N-S ¼ LINE TO THE POINT OF BEGINNING.

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 Final Development Plan of Trillium Ridge Condominiums (the "Development") is expressly subject to all of the following terms and conditions:

- (a) Final Development Plan. The Development includes a letter addressed to Mr. Gregory Ransford dated April 10, 2017 from Signature Land Development with the subject title: "4668 22<sup>nd</sup> Avenue – Planned Development & Site Condominium narrative," a presentation outlining condominium options labeled "Bridlewood Condominiums prepared for Jamestown



Township,” and “Master Deed of Bridlewood Condominium” submitted by West Michigan Development Company (the “Developer”). In addition to these documents, the Development also includes a drawing labeled “Final Development Plan (PD) of Trillium Ridge Condominiums (Formerly Bridlewood Condominiums) dated 12-15-17,” a drawing labeled “Landscape plan of Trillium Ridge Condominium (Formerly Bridlewood Condominiums)” with revision date of 8/31/2017. (All of the aforementioned constitute and are collectively referred to herein as the “Development Plan”) in connection with the application for Planned Development rezoning and as attached hereto and made a part hereof (Appendix).

- (b) Nature of Development; Summary of Development Plan. The Development is comprised of 22 proposed detached single-family condominium units, 20 proposed two-unit condominiums, two (2) single family lots on the east side accessed by Equestrian Drive, and five (5) single family lots fronting 22<sup>nd</sup> Avenue for a total of 62 condominiums units and seven (7) outlots. The development also includes open space, natural area preservation, internal drives, internal drive trees, internal drive lights, parking and one (1) storm water detention area. Each detached single family residential lot shall be as delineated on the Development Plan and shall be used only for one (1) detached single family 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**

Total Acreage	33.2 acres (1,446,192 square feet, including R.O.W.)
Total Number of units and outlots	62 internal units and 7 outlots
Density	2.1 units per acre
Total Open Space	9.0 acres (392,040 square feet)

*Additional Requirements for Units 1 through 62*

Maximum Building Height	35 feet or 2 ½ stories
Minimum Front Yard Setback	30 feet to 22 <sup>nd</sup> Avenue right-of-way 28 feet from edge of internal pavement
Minimum Side Yard Setback	30 feet
Minimum Rear Yard Setback	30 feet
Minimum Setback to Bridlewood No 4 & 5	50 feet
Distance Between Basement Foundation Walls	18 feet
Rear of Building Perimeter Setback from Foundation Wall (N, E, & W Side)	30 feet
Rear of Building Perimeter Setback from Foundation Wall (South Side)	50 feet
Rear of Deck or Enclosed Sunroom Perimeter Setback (South Side)	40'
Side of Perimeter Setbacks from Foundation Wall	30' (Unit 1 & 62)
Phase 1	Condominiums units 1-10 & 29-62, Lots 1-5, A & B
Phase 2	Condominiums units 11-28
Internal Drive Lights	5
Off-Street parking	21 parking spaces
Internal Drive Tree	Minimum of 40 Deciduous Trees
22 <sup>nd</sup> Avenue Street Trees	Minimum of 10 Evergreen Trees
Buffer Trees (Southern Property Line)	Minimum of 19 Evergreen Trees (3 existing)
Traffic Island Landscaping	Minimum of 4 Evergreen & 2 Deciduous Trees

*Additional Requirements for Outlots 1 through 5, Outlots A and B*

Minimum Lot Area	26,700 sq. ft.
Minimum Lot Width	100 feet
Maximum Building Height	35 feet or 2 ½ stories
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	40 feet

- (c) Boundaries and Lot Areas. The boundaries of the Development and the condominium 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, Streets and Internal Private Drives. Access to the Development shall be from 22<sup>nd</sup> Avenue as shown in the Development Plan. Access to Lots A & B shall be from Equestrian Drive as indicated on the Development Plan. Access to condominium units 1 through 62 shall be provided by the internal drives as shown in the Development Plan and shall not constitute a public or private street. The internal drives in the Development will be private drives and will be constructed according to the street construction standards of the Township Subdivision Ordinance.
- (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 Township and Developer entering into a written development contract (the “Development Contract”), as more particularly discussed in Section 2(g) of this Ordinance, for adequate public sanitary sewer and water utilities capacity and infrastructure made between the Township and the Developer.
- (f) Surface Water Drainage. Surface water runoff from the Development shall be contained in the detention area as shown on the Development Plan. It is the intention of this Ordinance that the storm water drainage system for each phase, including the pipes, catch basins and detention area as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage in platted subdivisions as promulgated by the Office of the Ottawa County Water Resource 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 Office of the Ottawa County Water Resource Commissioner and the Township Engineer. 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 the 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 Contract 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. Pursuant to the Development Contract, 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. Upon completion of such sewer and water improvements, the improvements shall be dedicated and conveyed to the Township in accordance with the Development Contract. The Development 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.
- (h) Street Trees and Planting Strip. Street trees as shown in the Development Plan and as set forth in Section 2(b) of this Ordinance, shall be planted. Installation of landscaping indicated on the Development Plan for each phase of the Development shall commence with the construction of each phase.
- (i) Bicycle Paths. Pursuant to Section 19.16 of the Zoning Ordinance, payment in lieu of construction shall be provided for the 22<sup>nd</sup> Avenue street frontage in the amount specified in the Development Contract. Payment shall be made prior to the issuance of any building permits within 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 internal drive lighting in the Development as shown in the Development Plan and as set forth in Section 2(b) of this Ordinance. The cost of installation thereof shall be at the expense of the Developer; the cost of the maintenance of such signage and outdoor lighting shall be at the expense of the Developer or the lot owners or an association of such owners. 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 units in the Development shall be by means of underground facilities.
- (m) Master Deed & Restrictive Covenants. The lands in the Development and the use thereof shall be regulated pursuant to the Master Deed and Restrictions, which shall be recorded by the Developer. The Master Deed and Restrictions shall be submitted to the Township, for

review by the Township attorney and the Township Planner, 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 units 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, and to the Planning Commission, for approval in its discretion, 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 May 4, 2017 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, under the terms of applicable Township ordinances.

(3) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated October 5, 2017 and the planner's subsequent correspondence of January 4, 2018 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

Section 3      **Township Board Findings.**

(g) 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.

(h) 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 Master 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.

(i) 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:

(1) 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;

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

(3) 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.

**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.

**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: Altman, Brouwer, DeHaan, Oskin and Tacoma

NAYS: Miller

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on March 19, 2018, and approved by me on March 29, 2018.

\_\_\_\_\_

Kenneth Bergwerff, Supervisor

Charter Township of Jamestown

Attest:

\_\_\_\_\_

Candy DeHaan, Township Clerk

First Reading: February 19, 2018

Second Reading: March 19 2018

Ordinance becomes effective: April 9, 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 March 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.

\_\_\_\_\_  
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. 18-002 or a summary thereof, was published in the *Grand Valley Advance and Southwest Advance* on April 1, 2018.

\_\_\_\_\_  
Candy DeHaan  
Township Clerk



**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 20th day of August, 2018, at 7:00 p.m.

PRESENT: Members: Altman, Brouwer, DeHaan, Bergwerff, Miller and Tacoma

ABSENT:Members: Oskin

The following Ordinance was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

**ORDINANCE NO. 18-004**

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

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

Section 1. **Amendment of Section 2.0 of the Valley Vista Planned Development Ordinance.** Section 2.0 of the Valley Vista Planned Development Ordinance, adopted by the Township Board of the Charter Township of Jamestown (the "Township") on January 27, 2003 by Ordinance No. 00-001 and subsequently amended by Ordinance No. 03-002, adopted on January 27, 2003 (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 2.0 The rezoning of the above-described lands to the Planned Development District, in accordance with the Planned Development Plan of Valley Vista Town Homes and Apartments ("the Development") is expressly subject to all of the following terms and conditions:

1. Development Plan. The Development Plan (the "Plan") includes the drawing labeled Revised Planned Development of Valley Vista Town Homes and Apartments as revised and dated 5/24/18 and prepared by Feenstra and Associates, Incorporated, (Appendix A) together with the attached floor plans and building elevations from WLP Associates dated 8/11/17 and 9/26/17, and landscape schematics (Appendices B, C and D) submitted by the Applicant in connection with the application for amendment to the Planned Development rezoning and the review thereof by the Planning Commission and Township Board.

2. Nature of Development. The Development is comprised of apartment and townhouse residential living quarters along with associated garages, parking areas, maintenance and management offices and associated site improvements. The Development will be completed in up to 7 phases as indicated on the Plan. The mix and location of the various apartments, townhouses, open spaces and appurtenant uses shall be as delineated on the Plan.

3. Boundaries and Lot Areas. The boundaries of the Development shall be as shown on the Plan.

4. Site Access, Streets and Drives. Access to the Development shall be from Quincy Street as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as

shown in the Plan. Internal streets serving the development will be private streets. The private streets 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 24 to 30 feet wide valley inverted crown or valley gutter cross-section.

5. Development Phasing. The Phasing of the Development shall be accomplished in the manner depicted on the 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.

(b) Final approval of each 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.

6. 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 internal street system and through the construction and use of detention areas, weirs and natural watercourses 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 areas as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage as required by the Ottawa County Drain Commission. The overall plans of the storm water drainage system shall be subject to approval of the Ottawa County Drain Commission. The maintenance of and improvements for drainage shall be accomplished by the County Drain Commission, or the same shall be accomplished by the Developer. Prior to the construction of any phase of the Development, final plans for each phase of the storm water management system shall be submitted to the Ottawa County Drain Commission for approval.

7. 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 Jamestown Charter Township. All plans for the water and wastewater systems 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.

8. Landscaping. There shall be trees, shrubbery or other landscaping planted and maintained in the areas indicated on the *Plan and the Landscape and Screening Plan. Appendix D.*

9. Signage and Outdoor Lighting. There shall be street and outdoor lighting in the Development as indicated on the Plan. The cost of installation and maintenance thereof shall be at the expense of the Developer. Signs shall be as indicated on the Plan.

10. 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.

11. Sidewalks and Bicycle path. Sidewalks shall be provided within the Development as indicated on the Plan as part of each applicable phase of internal street construction. They shall be

constructed to standards for platted subdivisions as approved by the Township. A bicycle path shall be constructed at the Developer's expense along the Development's Quincy street frontage as well as adjacent parcels 300-037, 300-039 and 400-011 as indicated on the Plan. The bike path will be constructed to a uniform standard to be established by the Township and applied to similar trails in the Township.

12. Open Space. Areas represented on the Plan as undeveloped shall be maintained as open space for the common usage and enjoyment of the residents of the Development. Use of such areas shall be limited to outdoor recreation, drainage and wildlife habitat.

**Section 2.** **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: Altman, Brouwer, DeHaan, Bergwerff, Miller and Tacoma

NAYS: None

ORDINANCE DECLARED adopted.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on August 20, 2018, and approved by me on August 21, 2018.

\_\_\_\_\_

Kenneth Bergwerff, Supervisor

Charter Township of Jamestown

Attest:

\_\_\_\_\_

Candy DeHaan, Township Clerk

First Reading: July 16, 2018

Second Reading: August 20, 2018

Ordinance becomes effective: September 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 August 20, 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.

\_\_\_\_\_

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. 18-004, or a summary thereof, was published in the *Grand Valley Advance* and the *Southwest Advance* on September 2, 2018.

\_\_\_\_\_

Candy DeHaan

Township Clerk

VALLEY VISTA PLANNED DEVELOPMENT

CHARTER TOWNSHIP OF JAMESTOWN

COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 20th day of August, 2018, at 7:00 p.m.

PRESENT: Members: Altman, Brouwer, DeHaan, Bergwerff, Miller and Tacoma

ABSENT:Members: Oskin

The following Ordinance was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

ORDINANCE NO. 18-004

AN ORDINANCE TO AMEND CHAPTER 34 OF THE ZONING ORDINANCE  
OF THE CHARTER TOWNSHIP OF JAMESTOWN REGARDING  
VALLEY VISTA PLANNED DEVELOPMENT

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

Section 1. **Amendment of Section 2.0 of the Valley Vista Planned Development Ordinance.** Section 2.0 of the Valley Vista Planned Development Ordinance, adopted by the Township Board of the Charter Township of Jamestown (the "Township") on January 27, 2003 by Ordinance No. 00-001 and subsequently amended by Ordinance No. 03-002, adopted on January 27, 2003 (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 2.0** The rezoning of the above-described lands to the Planned Development District, in accordance with the Planned Development Plan of Valley Vista Town Homes and Apartments ("the Development") is expressly subject to all of the following terms and conditions:

1. Development Plan. The Development Plan (the "Plan") includes the drawing labeled Revised Planned Development of Valley Vista Town Homes and Apartments as revised and dated 5/24/18 and prepared by Feenstra and Associates, Incorporated, (Appendix A) together with the attached floor plans and building elevations from WLP Associates dated 8/11/17 and 9/26/17, and landscape schematics (Appendices B, C and D) submitted by the Applicant in connection with the application for amendment to the Planned Development rezoning and the review thereof by the Planning Commission and Township Board.

2. Nature of Development. The Development is comprised of apartment and townhouse residential living quarters along with associated garages, parking areas, maintenance and management offices and associated site improvements. The Development will be completed in up to 7 phases as indicated on the Plan. The mix and location of the various apartments, townhouses, open spaces and appurtenant uses shall be as delineated on the Plan.

3. Boundaries and Lot Areas. The boundaries of the Development shall be as shown on the Plan.

4. Site Access, Streets and Drives. Access to the Development shall be from Quincy Street as shown in the Plan. Street arrangement for other streets and drives in the Development shall be as shown in the Plan. Internal streets serving the development will be private streets. The private streets 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 24 to 30 feet wide valley inverted crown or valley gutter cross-section.

5. Development Phasing. The Phasing of the Development shall be accomplished in the manner depicted on the 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.

(b) Final approval of each 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.

6. Surface Water Drainage. Surface water runoff from the Development will drain to the existing drains serving the property. Storm water run-off will be managed by the construction of an underground storm water drainage system to be placed primarily within the internal street system and through the construction and use of detention areas, weirs and natural watercourses 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 areas as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage as required by the Ottawa County Drain Commission. The overall plans of the storm water drainage system shall be subject to approval of the Ottawa County Drain Commission. The maintenance of and improvements for drainage shall be accomplished by the County Drain Commission, or the same shall be accomplished by the Developer. Prior to the construction of any phase of the Development, final plans for each phase of the storm water management system shall be submitted to the Ottawa County Drain Commission for approval.

7. 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 Jamestown Charter Township. All plans for the water and wastewater systems 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.

8. Landscaping. There shall be trees, shrubbery or other landscaping planted and maintained in the areas indicated on the *Plan and the Landscape and Screening Plan. Appendix D.*

9. Signage and Outdoor Lighting. There shall be street and outdoor lighting in the Development as indicated on the Plan. The cost of installation and maintenance thereof shall be at the expense of the Developer. Signs shall be as indicated on the Plan.

10. 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.

11. Sidewalks and Bicycle path. Sidewalks shall be provided within the Development as indicated on the Plan as part of each applicable phase of internal street construction. They shall be constructed to standards for platted subdivisions as approved by the Township. A bicycle path shall be constructed at the Developer's expense along the Development's Quincy street frontage as well as adjacent parcels 300-037, 300-039 and 400-011 as indicated on the Plan. The bike path will be constructed to a uniform standard to be established by the Township and applied to similar trails in the Township.

12. Open Space. Areas represented on the Plan as undeveloped shall be maintained as open space for the common usage and enjoyment of the residents of the Development. Use of such areas shall be limited to outdoor recreation, drainage and wildlife habitat.

**Section 3.** **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: Altman, Brouwer, DeHaan, Bergwerff, Miller and Tacoma

NAYS: None

ORDINANCE DECLARED adopted.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on August 20, 2018, and approved by me on August 21, 2018.

\_\_\_\_\_  
Kenneth Bergwerff, Supervisor

Charter Township of Jamestown

Attest:

\_\_\_\_\_  
Candy DeHaan, Township Clerk

First Reading: July 16, 2018

Second Reading: August 20, 2018

Ordinance becomes effective: September 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 August 20, 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.

\_\_\_\_\_

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. 18-004, or a summary thereof, was published in the *Grand Valley Advance* and the *Southwest Advance* on September 2, 2018.

\_\_\_\_\_

Candy DeHaan

Township Clerk



**WEST 24 COTTAGES PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 15<sup>th</sup> day of July 2019 at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Brouwer, Altman, Oskin, Miller, Tacoma

ABSENT:Members: \_\_\_\_\_

The following Ordinance was offered by Member Tacoma and supported by Member DeHaan.

**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:

**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.)

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:

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).

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:

<b>Table 1 – Summary of Development Plan</b>	
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

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.

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.

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

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.

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.

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.

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.

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 \_\_\_\_\_, 2019.

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.

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.

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.

Other Matters.

Except as otherwise stated in this Ordinance, the Development shall comply with the requirements of the R-2 zoning district.

The Development is subject to the comments and requirements of

the Township Engineer as stated in the engineer's letter of \_\_\_\_\_, 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.

(4) The Development shall comply with the requirements stated in the memorandum of the Township planner, dated \_\_\_\_\_, 2109 and the planner's subsequent correspondence of \_\_\_\_\_, 2019 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

**Township Board Findings.**

(j) 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.

(k) 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:

(5) 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;

(6) 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;

(7) 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;

(8) in relation to underlying zoning, the Development will not result in an unreasonable negative economic impact on surrounding properties;

(9) the Development will not change the essential character of the surrounding area;

(10) 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.

(l) 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:

(11) 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;

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

(13) 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.

**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.

**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, DeHann, Bergwerff, Oskin, Tacoma

NAYS: Altman, Miller

ORDINANCE DECLARED \_\_\_\_\_.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on \_\_\_\_\_, 2019, and approved by me on \_\_\_\_\_, 2019.

\_\_\_\_\_

Ken Bergwerff, 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 \_\_\_\_\_, 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.

\_\_\_\_\_  
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 *Grand Rapids Press* on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Candy DeHaan  
Township Clerk

**WATERTON STATION PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 16<sup>th</sup> day of November 2020 at 7:00 p.m.

PRESENT: Members: Bergwerff, DeHaan, Brouwer, Oskin, Miller, Tacoma

ABSENT:Members: Altman

The following Ordinance was offered by Member Bergwerff and supported by Member Tacoma.

**ORDINANCE NO. 20-006**

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

**[Waterton Station Planned Development]**

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

**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 a Planned Development (PD) District, in accordance with the Development Plan (defined in Section 2(a), below) of Waterton Station (the "Development"). The property is described as follows:

PART OF NW 1/4 COM S 02D 58M 55S W 725 FT FROM N 1/4 COR, TH CONT S 02D 58M 55S W1925.97 FT, TH S 89D 59M 51S W 1415.78 FT ALG E&W 1/4 LI, TH N 02D 49M 58S E 300 FT, TH S 89D59M 51S W 250 FT, TH N 02D 49M 58S E 2361.27 FT ALG W LI OF E 5/8 OF NW 1/4, TH S 89D 38M 17SE 462.19 FT ALG N SEC LI, TH S 02D 58M 55S W 300 FT, TH S 89D 38M 17S E 350 FT, TH N 02D 58M 55SE 300 FT, TH S 89D 38M 17S E 660 FT ALG N SEC LI, TH S 02D 58M 55S W 320 FT, S 32D 45M 43S W 100.57 FT, S 02D 58M 55S W 320 FT, TH S 89D 38M 17S E 250 FT TO BEG, EXC COM NW COR OF E 20A OF W 1/2 OF NW 1/4, TH E TO PT 1210 FT W OF N 1/4 COR, TH S 50 FT, W TO PT S OF BEG, TH N 50FT TO BEG (L4659 P949). SEC 10 T5N R13W.

AND

W 3/8 OF NW 1/4 EXC COM 1932 FT S OF NW COR, TH S 179.4 FT, E 333 FT, N 179.4 FT,W 333 FT TO BEG, ALSO EXC N 50 FT, ALSO EXC W 50 FT OF S 80 FT OF N 130 FT THEREOF. SEC 10 T5N R13W.

AND

PART OF NW 1/4 COM AT N 1/4 COR, TH S 02D 58M 55S W 725 FT, N 89D 38M 17S W 250 FT, N 02D 58M 55S E 320 FT, N 32D 45M 43S E 100.57 FT, N 02D 58M 55S E 320 FT, TH S 89D 38M 17S E 200 FT ALG N SEC LI TO BEG. SEC 10 T5N R13W 3.74 AC.



Terms and Conditions of the Planned Development. The rezoning of the above-described lands to the Planned Development District, in accordance with the Development Plan is expressly subject to all of the following terms and conditions:

Development Plan. The Development Plan collectively includes: the bound book labeled “Waterton Station Final PD Submittal” submitted by Nederveld, Inc., (the bound book includes a review letter addressed to Lindsay R. Mohr, dated September 21, 2020, a cover letter addressed to Mr. Gregory Ransford, Planner, dated August 27, 2020; a Waterton Station Project Location Map, undated; Waterton Station Narrative, undated; Planned Development Deviations/Departures, undated, Final PD Plan Information, undated; Two (2) pages of photos of the Architectural Styles of the Townhomes and Assisted Living, Architectural Style elevations of the Independent/Senior Living Villas, eighteen (18) elevations and nine (9) floor plans provided by InterraHomes, eighteen (18) elevations and ten (10) floor plans provided by JTB Homes, undated; Proposed Protective Covenants for Waterton Station as submitted by the Developer, undated (the “Restrictions”); the Planned Development application dated November 26, 2019; Waterton Station Property Description; Three (3) pages of the Waterton Station Property Ownership Information ; a drawing provided by Nederveld, Inc. labeled “Waterton Station Final PD Illustrative Rendering” with a final revision date of September 20, 2020 containing Sheet C-200 Existing Conditions, C-201 Site Plan Layout, C-204 Grading & Utilities Plan, L-100 Landscape Plan; Waterton Station Traffic Impact Study Final Report dated May 27, 2020 provided by Wade Trim, collectively submitted in connection with the application for the Planned Development District rezoning for the development and as attached hereto and made a part hereof (Appendix).

Nature of Development; Summary of Development Plan. The Development is comprised of: 196 new single family residential lots; 171 condominium homes; 79 townhomes; streets; internal sidewalks; an internal bicycle pathway; street trees; street lights; open space including professionally landscaped open space corridors, a wooded ravine, and linear greenway; and a storm water detention pond. 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:

<b>Table 1 – Summary of Development Plan</b>	
Minimum lot area of Single-Family Residential Units	9,700 square feet
Minimum lot width of Single-Family Residential Units	65 feet
Maximum Building Height of Single-Family Residential Units	35 feet or 2 ½ stories, whichever is greater as measured by the Zoning Ordinance
Minimum Front Yard Setback of Single-Family Residential Units	30 feet (Except front yards of corner lots will be reduced to 20 feet along one frontage)
Minimum Side Yard Setback of Single-Family Residential Units	8 feet

Minimum Rear Yard Setback of Single-Family Residential Units	35 feet (Except for lots 57 & 58 which will have 25 feet)
Total Acreage	151.15 acres
Total Residential Net Acreage	135.45 acres
Total Number of Lots	197 Lots including 1 Remainder Lot
Total Number of Condominium Units	171 Condominium Units
Total Number of Townhome Units	79 Townhome Units
Density (based on net acreage)	3.18 units per acre
Minimum Condominium Building Separation (Foundation Wall to Foundation Wall)	16 feet
Minimum Condominium Driveway Length (Sidewalk to Garage or Roadway to Garage)	24 feet
Minimum Rear Condominium Setback (Deck to Property Line)	30 feet
Minimum Townhome Building Separation (Foundation Wall to Foundation Wall)	16 feet
Minimum Townhome Driveway Length (Sidewalk to Garage or Roadway to Garage)	24 feet
Minimum Townhome Rear Setback	30 feet (except from 24 <sup>th</sup> Avenue Right of Way, 25 feet)
Total Residential Open Space	1,313,841 square feet (21.5%)
Internal Street Trees	1 per every 50 feet of street frontage
Internal Street Lights	1 per every 500 feet of street frontage
Senior Living Acreage	10.79 acres
Senior Assisted Living Units	70 Units
Senior Independent Living Units	46 Units
Senior Living Area Open Space	129,338 square feet (27.5%)
Phase 1A	Lots 1-19, 85, 86, 101, 118-123
Phase 1B	Condominium Units 33-51
Phase 1C	Condominium Units 92-97 and 160-171
Phase 2	Lots 87-100, 124-134, and 196
Phase 3	Condominium Units 15-32 and 52-57

Phase 4	Condominium Units 98-106 and 152-159
Phase 5	Lots 20-33 and 67-84
Phase 6	Lots 102-117
Phase 7	Condominium Units 107-125 and 149-151
Phase 8	Condominium Units 58-82
Phase 9	Townhome Units C-H and Q-T, Assisted Living Facility, and Independent Living Villas SL1-12
Phase 10	Units 135-138, 149-169, and 191-195
Phase 11	Units 38-60
Phase 12	Condominium Units 126-148
Phase 13	Condominium Units 1-14 and 83-91
Phase 14	Townhome Units A, B, I-P, and U
Phase 15	Lots 139-148 and 170-190
Bike path	Internal
Internal sidewalk	5 feet in width

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.

Site Access and Streets. Access to the Development shall be from Quincy Street, 24<sup>th</sup> Avenue, and Greenly Street 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.

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, subject to the following;

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.

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.

Approval for the Senior Living Assisted Living Facility and Independent Living Units being granted by the Planning Commission and other agencies having review and approval authority shall be in the form of Site Plan

Review approval pursuant to the Township's Zoning Ordinance, separate from the Planned Development approval.

Approval for each phase containing condominiums or townhomes being granted by the Planning Commission and other agencies having review and approval authority shall be in the form of Site Plan Review approval pursuant to the Township's Zoning Ordinance.

If the applicant proposes significant changes to the approved Development Plan (as determined by the Zoning Administrator, Planner, or Chairperson of the Planning Commission) with respect to a phase, including a phase containing condominium units, such proposed changes shall be subject to site plan review and approval by the Planning Commission. The Zoning Administrator may administratively approve changes to the number and mix of lots and units to be developed within each phase set forth in Table 1; provided, however, that such changes do not adversely impact or effect vehicular or emergency vehicle access to lots and units within the Development.

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, overland swales, drainage route and course, 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 to the pipes, catch basins, overland swales, drainage route and course, and detention ponds 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.

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, Sections 5.3.1(g) and (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.

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 5.3.1(n) of the Subdivision Ordinance shall be planted for all platted portions of the development. Street trees shall be planted as part of the lot landscaping and shall be completed no later than ninety (90) days after a home purchaser takes possession of the completed home; provided, however, a purchaser that takes possession of a home between December 1 and March 1 shall have

until June 1 of such year to complete landscaping and planting of required trees, due to winter weather conditions. Installation of landscaping indicated on the Development Plan for each phase of the Development, other than street trees for a lot, shall be required to commence with the construction of each phase.

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 5.3.1(j) of the Subdivision Ordinance. Furthermore, a bike path internal to the development dedicated for use by the public, spanning between Quincy Street and Greenly Street, with pedestrian access at the intersections of 22<sup>nd</sup> Avenue and Quincy Street; and Fresian Drive and Quincy Street, as well as at Greenly Street, 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 shall be constructed and completed in each current phase of the Development within eighteen (18) months of the Township's consideration of any subsequent phase of the Development, but in no event later than five (5) years from the final plat approval for such current phase. Bike paths 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.

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 and condominium units 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.

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 5.3.1(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. Seven (7) identifying signs shall be allowed for the Development as located on the Development Plan and in accordance with Section 24.13C of the Zoning Ordinance.

Utilities. Natural gas service, electrical service, cable television service and telephone service to each of the lots and condominium units in the Development shall be by means of underground facilities.

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.

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.

Other Matters.

Except as otherwise stated in this Ordinance, the Development shall comply with the requirements of the R-2 zoning district.

The Development is subject to the comments and requirements of

the Township engineer as stated in the engineer's letter of October 2, 2020 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.

The Development shall comply with the requirements stated in the memorandum of the Township planner, dated August 3, 2020 and the planner's subsequent correspondence of September 30, 2020 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

In addition to any other requirements for posting of security set forth by this ordinance, the Zoning Ordinance, or any other applicable Township ordinance, at the time of submittal of an application for final plat approval for any phase of the Development, the Developer shall provide to the Zoning Administrator a financial guarantee in the form of an irrevocable letter of credit of a sufficient amount to insure the installation and completion of street trees, planting strips and any other required landscaping; sidewalks; and bike paths and pedestrian ways. The letter of credit shall be: (a) issued by a financial institution or insurer satisfactory to the Township; (b) automatically renewed until released by the Zoning Administrator pursuant to a certification that all improvements subject to the letter of credit (e.g., installation and completion of street trees, planting strips and other required landscaping; sidewalks; and bike paths and pedestrian ways) have been completed in accordance with this ordinance, the Zoning Ordinance, or any other applicable Township ordinance; (c) allow full or partial draws upon certification by the Zoning Administrator that improvements have not been completed as required herein; and (d) subject to review and approval by the Township Attorney.

#### **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:

- (1) 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;
- (2) related to the valid exercise of the police power, and purposes which are affected by the Development; and
- (3) 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.

**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.

**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, Oskin, Tacoma

NAYS: Miller

ORDINANCE DECLARED \_\_\_\_\_.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on \_\_\_\_\_, 2020, and approved by me on \_\_\_\_\_, 2020.

\_\_\_\_\_

Ken Bergwerff, 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 \_\_\_\_\_, 2020, 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 \_\_\_\_\_, 2020.

\_\_\_\_\_

Candy DeHaan  
Township Clerk

**JAMESTOWN ONE PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 17<sup>th</sup> day of May, 2020 at 7:00 p.m.

PRESENT: Members: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Miller and Tacoma

ABSENT:None

The following Ordinance was offered by Member Tacoma and supported by Member DeHaan.

**ORDINANCE NO. 21-002**

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

**[Jamestown One Planned Development]**

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

**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-1 Residential Zoning District to a Planned Development (PD) District, in accordance with the Development Plan (defined in Section 2(a), below) of Jamestown One, LLC (the "Development"). The property is described as follows:

S 10 A OF N 20 A OF W 5/8 OF W 1/2 OF SW 1/4 EXC W 50 FT, ALSO EXC N 160 FT SEC 9 T5N R13W

Terms and Conditions of the Planned Development. The rezoning of the above-described lands to the Planned Development District, in accordance with the Development Plan is expressly subject to all of the following terms and conditions:

Development Plan. The Development Plan collectively includes: A Final Planned Development Plan Review letter addressed to Ms. Lindsay R. Mohr, dated November 5, 2020, provided by Holland Engineering; Final Engineering Plans submitted by Holland Engineering with a final revision date of November 06, 2020 containing Sheet G-100 Cover Sheet, Sheet CD-101 Existing Conditions and Demo Plan, Sheet C-100 Overall Site Layout Plan, Sheet C-101 Detailed Site Layout Plan, Sheet C-201 Grading Drainage and SESC Plan, Sheet C-401 Utility Plan and Profile, Sheet C-402 Utility Plan and Profile, Sheet C-501 General Details and Notes, and Sheet L-101 Landscape Planting Plan revision dated 2/9/2021; Narrative submitted by Shayne Malone of Jamestown One, LLC dated November 19, 2020; Architectural Floor Plans & Exterior Elevations Sheets AE1-01 and AE3-01 provided by Ghafari dated July 27, 2020; Exterior Material Schedule, undated; the Planned Development Application dated October 20, 2020; Proposed Bylaws for Jamestown One, LLC as submitted by the Developer, undated (the "Restrictions"); Five (5) pages of the Warranty Deed; collectively submitted in connection with the application for the Planned Development District rezoning for the development and as attached hereto and made a part hereof (Appendix).

Nature of Development; Summary of Development Plan. The Development is comprised of: 21 new duplex units (42 dwelling units); a bicycle pathway; trees and landscaping; open space including a playground; internal drives, parking, and a storm water management basin.

The summary of the Development Plan and applicable provisions to the Development pursuant to this Ordinance are set forth in the table below:

<b>Table 1 – Summary of Development Plan</b>	
Total Acreage	6.55 acres
Total Residential Net Acreage	6.55 acres
Total Number of Duplex Units	42 Duplex Units
Density (based on net acreage)	6.5 units per acre
Minimum Duplex Building Separation (Foundation Wall to Foundation Wall)	15 feet
Minimum Duplex Driveway Length (Sidewalk to Garage or Roadway to Garage)	24 feet
Minimum Duplex Rear Setback	50 feet
Total Residential Open Space	24,000 square feet (8%)
Bike Path	8' Wide Bike Path Along 32 <sup>nd</sup> Avenue right-of-way Frontage
32 <sup>nd</sup> Avenue Street Trees	12 Canopy Trees; 8 Ornamental Trees; 18 Shrubs; and 8 Evergreen Trees
Side Yard Trees	16 Canopy Trees; 8 Ornamental Trees; and 16 Evergreen Trees
Rear Yard Trees	15 Evergreen Trees

Boundaries and Lot Areas. The boundaries of the Development shall be shown on the Development Plan and as described in Section 2(b) of this Ordinance.

Site Access and Streets. Access to the Development shall be from 32<sup>nd</sup> Avenue as shown in the Development Plan. Internal access within the Development shall be as shown in the Development Plan. The internal access driveway shall be constructed in accordance with the provisions of Section 3.28 of the Township Zoning Ordinance. All site access shall be provided prior to the issuance of a certificate of occupancy for the first duplex.

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;

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.

If the applicant proposes significant changes to the approved Development Plan (as determined by the Zoning Administrator, Planner, or Chairperson of the Planning Commission) such proposed changes shall be subject to further site plan review and approval by the Planning Commission.

Surface Water Drainage. Surface water runoff from the Development shall be contained 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, including the pipes, catch basins, overland swales, drainage route and course, and detention pond 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 to the pipes, catch basins, overland swales, drainage route and course, and detention ponds 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.

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 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 Township 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.

Trees and Planting Strip. Trees and landscaping as shown in the Development Plan, as set forth in Section 2(b) of this Ordinance. Installation of landscaping indicated on the Development Plan for the Development shall be required to commence with the construction of the project.

Pedestrian Ways. A bike path along the 32<sup>nd</sup> Avenue road frontage of the development dedicated for use by the public, 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. The bike path shall be constructed and completed prior to the issuance of a certificate of occupancy for the first duplex.

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.

Utilities. Natural gas service, electrical service, cable television service and telephone service to the Development shall be by means of underground facilities.

Bylaws. 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.

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.

Other Matters.

Except as otherwise stated in this Ordinance, the Development shall comply with the requirements of the R-1 zoning district.

The Development is subject to the comments and requirements of

the Township engineer as stated in the engineer's letter of December 2, 2020 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.

The Development shall comply with the requirements stated in the memorandum of the Township planner, dated November 18, 2020 except with respect to such matters as are specified otherwise in the provisions of this Ordinance.

**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:

- (1) 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;
- (2) related to the valid exercise of the police power, and purposes which are affected by the Development; and
- (3) 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.

**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.

**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: VanHaitsma, DeHaan, Tacoma and Miedema

NAYS: Miller, Brouwer and McCormick

ORDINANCE DECLARED passed.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on May 17, 2021, and approved by me on May 20, 2021.

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Laurie Van Haitsma, Supervisor  
Charter Township of Jamestown

Attest:

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Candy DeHaan, Township Clerk

First Reading: March 15, 2021

Second Reading: May 17, 2021

Ordinance becomes effective: June 2, 2021

**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 May 17, 2021, 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. 21-002 or a summary thereof, was published in the *Grand Rapids Press* on May 25, 2021.

\_\_\_\_\_

Candy DeHaan

Township Clerk



**SPRING MEADOWS PLANNED DEVELOPMENT**

**CHARTER TOWNSHIP OF JAMESTOWN**

**COUNTY OF OTTAWA, MICHIGAN**

At a regular meeting of the Township Board of the Charter Township of Jamestown, held at the Township Hall, on the 18<sup>th</sup> day of April 2022, at 7:00 p.m.

PRESENT: Members: VanHaitsma, DeHaan, Brouwer, McCormick, Miller, Miedema, Tacoma

ABSENT:Members: \_\_\_\_\_

The following Ordinance was offered by Member Miedema and supported by Member Tacoma.

**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:

**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°03'48"W 192.00 feet; thence N89°46'30"E 201.00 feet; thence N00°03'48"E 192.00 feet; thence N89°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°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°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°03'48"W 920.00 feet along the N-S 1/4 line of said Section; thence N89°57'41"W 330.00 feet; thence S00°03'48"W 850.00 feet; thence N89°57'41"W 329.62 feet along the E-W 1/4 line of said Section; thence N00°03'56"W 254.00 feet; thence N89°57'41"W 472.00 feet; thence S00°03'56"E 254.00 feet; thence N89°57'41"W 849.31

feet along the E-W 1/4 line of said Section; thence N00°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°57'41"W 660.76 feet; thence N00°11'43"W 1996.50 feet along the West line of said Section; thence N89°46'05"E 1008.00 feet; thence S00°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°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°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°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°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° 01'06"E 1067.09 feet along the East line of said Section to the Point of Beginning; thence S00°01'06"E 1600.63 feet to the East 1/4 corner of said Section; thence N89°57'03"W 2659.52 feet along the E -- W 1/4 line of said Section to the center of said Section; thence N89°57'41"W 330.00 feet along the E-W 1/4 line of said Section; thence N00°03'48"E 850.00 feet; thence S89°57'41"E 330.00 feet; thence N00°03'48"E 920.00 feet long the N -- S 1/4 line of said Section; thence N89°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°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°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 24<sup>th</sup> 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.

**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 32<sup>nd</sup> 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 32<sup>nd</sup> Avenue, Greenly Street and 24<sup>th</sup> 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 24<sup>th</sup> 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 24<sup>th</sup> 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 24<sup>th</sup> 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 32<sup>nd</sup> 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 32<sup>nd</sup> 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 32<sup>nd</sup> 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 32<sup>nd</sup> 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 32<sup>nd</sup> 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 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.

**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.

**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.

**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.

**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: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Tacoma \_\_\_\_

NAYS: Miller \_\_

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