

NOTICE OF INTRODUCTION AND POSTING OF PROPOSED ORDINANCE

PLEASE TAKE NOTICE that a proposed Jamestown Charter Township Ordinance, No. 24-006 entitled, "The Heritage Planned Development" was introduced and had its first reading at a meeting of the Jamestown Charter Township Board held on September 16, 2024. A second reading is scheduled for October 21, 2024 at a meeting of the Jamestown Charter Township Board.

The proposed Ordinance will establish 37 duplex residential units and one single family residential unit for a residential development of 75 units in total, along with internal private drives, drive lighting, sidewalks, storm water elements, open space, and related infrastructure in the Planned Development Zoning District.

PLEASE TAKE FURTHER NOTICE that the Ordinance has been posted in the office of the Jamestown Charter Township Clerk Jamestown Charter Township Hall, 2380 Riley Street, Jamestown, Michigan, 49427, (Phone 616-896-8376), and on the Township website at www.twp.jamestown.mi.us.

Dated: September 24, 2024

Candy DeHaan, Clerk
Jamestown Charter Township

The following Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on September 16, 2024.

ORDINANCE NO. 24-006

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

[The Heritage Planned Development]

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

Section 1. **Planned Development.** Section 5.1 of the Zoning Ordinance of the Charter Township of Jamestown, being the Zoning Map, is hereby amended so as to rezone the following described lands from its current R-2 Residential Zoning District to the PD Planned Development District, in accordance with the Development Plan (defined in Section 2(a), below) of The Heritage (the “Development”). The property is described as follows:

PART OF NE 1/4 COM NE SEC COR, TH W 264 FT, S 01D 05M 14S E 50.01 FT TO S LI OF RILEY ST & W 433 FT ALG SD LI TO PT OF BEG, TH S 01D 05M 14S E 509.41 FT, E 432.99 FT, TH S 01D 05M 14S E 595.58 FT, E 201 FT, TH S 01D 05M 14S E 40 FT, E 30 FT, TH N 01D 05M 14S W 40 FT ALG W R/W LI OF 24TH AVE, TH E 33 FT, S 01D 05M 14S E 825 FT ALG E SEC LI, TH W 1320 FT, N 01D 05M 14S W 1130 FT, TH E 590 FT, N 01D 05M 14S W 800 FT, TH E 33 FT ALG S LI OF RILEY ST TO BEG. SEC 16 T5N R13W 35.86 AC

Section 2. **Terms and Conditions of the Planned Development.** The rezoning of the above-described lands to the PD Planned Development District, in accordance with the Development Plan is expressly subject to all of the following terms and conditions:

(a) Development Plan. The Development Plan collectively includes: (1) the Planned Development Application dated February 8, 2024; (2) a Project Location Map; (3) a boundary Survey RE: 24th Ave. & Riley Street dated 9/16/2022; (4) a Wetland Delineation Map dated December 2022; (5) The Heritage Project Narrative; (6) Jamestown Condos building

elevations; (7) The Heritage Entryway and Central Gathering Space photographs; (8) Master Deed of the Heritage Condominiums; (9) Condominium Bylaws The Heritage; (10) Hollandia Outdoor Living Concepts letter; (11) Lakeshore Environmental, Incorporated letter dated June 12, 2024; (12) The Heritage Existing Site Conditions Plan dated 2024.07.25; (13) The Heritage Layout Plan dated 2024.07.25; (14) The Heritage Grading & Utility Plan dated 2024.07.25; and, (15) Landscape Plan dated 2024.08.19, collectively submitted in connection with the application for PD Planned Development District rezoning for the Development and as attached hereto and made a part hereof (Appendix).

(b) Nature of Development; Summary of Development Plan. The Development is comprised of 37 duplexes (74 dwelling units) and one single-family dwelling, private drives, off-site parking, and two (2) storm water detention ponds. Each detached duplex and the one single-family dwelling shall be as delineated on the Development Plan and shall be used only for two-family residential dwelling purposes or a single family dwelling, respectively, and such accessory uses as permitted under the provisions of Section 3.2 of the Zoning Ordinance.

The summary of the Development Plan and applicable provisions to the Development pursuant to this Ordinance are set forth in the table below:

| Table 1 – Summary of Development Plan | |
|--|---|
| Maximum Building Height | 35 feet as measured by the Zoning Ordinance |
| Minimum Front Yard Setback | 20 feet (edge of blacktop) |
| Maximum Front Yard Setback | 30 feet (edge of blacktop) |
| Building wall to building wall separation | 18 feet minimum |
| Minimum Perimeter setback | 35 feet |
| Total Acreage | 35.2 acres |
| Gross Open Space | 40.9% |
| Net Open Space | 22.7% |
| Total Number of Duplexes | 37 Duplexes (74 Dwelling Units) |

| | |
|--|---|
| Total Number of Single-Family Dwellings | 1 Single-Family |
| Net Density (less wetlands, right-of-ways, stormwater areas) | 3.49 units per acre |
| Site Landscaping | In accordance with the Landscape Schedule and Landscape Plan on sheet L-100 of the Development Plan |
| Street Lights | 10 |

(c) Boundaries and Building Areas. The boundaries of the Development and the building area for all structures within the Development shall be as shown on the Development Plan and as described in Section 2(b) of this Ordinance.

(d) Site Access and Streets. Access to the Development shall be from 24th Avenue 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 Private Drive Cross Section as shown in the Development Plan.

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

(1) Arrangements for adequate public sanitary sewer and water utilities capacity and infrastructure shall be pursuant to a written development agreement, as more particularly discussed in Section 2(g) of this Ordinance made between the Township and the Developer.

(f) Surface Water Drainage. Surface water runoff from the Development shall be contained in the detention basins as shown on the Development Plan and approved by the Township Engineer. It is the intention of this Ordinance that the storm water drainage system for each phase, including the pipes, catch basins and detention ponds as ultimately sized, designed and constructed will be adequate to handle the minimum requirements for drainage in that phase

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

maintenance of and improvements to the storm water drainage system, through assessment of the property owner or other lawful means.

(g) Sanitary Sewer and Water Supply. All phases of the Development will be served by public sanitary sewer system and a public water supply system. These systems shall be constructed in the locations as shown on the Development Plan with the capacities and to the standards and specifications of Jamestown Charter Township. All plans for the sewer system and water system shall be approved by the Township Engineer, the Superintendent of Water and Sewer, and any other agencies or authorities having legitimate jurisdiction regarding the applicable utility. The cost of construction within the Development shall be at the expense of the Developer. The costs for over-sizing, if any and for necessary off-site improvements in support of the Development shall be in accordance with the terms of a development agreement (the "Development Agreement") between the Township and the Developer. Under the Development Agreement, the Developer shall pay all costs of constructing appropriate water lines, water hydrants and valves, sewer lines, lift stations, and other water system and sanitary sewer system appurtenances within the Development, as well as the cost, if any, of extending such improvements to serve the Development. The Development Agreement shall be in such form as shall be necessary, in the reasonable opinion of the Township Board, to effectuate the purposes of this provision, and may include a water and sewer payback arrangement.

(h) Site Landscaping. Site landscaping and per unit drive landscaping, as shown on sheet L-100, shall be planted. Installation of the drive trees from 24th Avenue to the drive intersection of Hattie Way and Lewis Land shall be planted on each side of the drive prior to construction of any residential unit. Installation of each unit drive landscaping indicated on the Development Plan shall be completed around each unit at the time of occupancy for each

respective unit. The remaining site landscaping shall be installed prior to the completion of each phase.

(i) Sidewalks and Pedestrian Ways, Open Spaces. Internal sidewalks shall be installed as shown on Sheet C-205. Installation of the internal sidewalk from 24th Avenue to the drive intersection of Hattie Way and Lewis Land shall be completed prior to construction of any residential unit. Installation of each unit drive sidewalk, where applicable, as indicated on the Development Plan, shall be completed at each unit at the time of occupancy for each respective unit. The remaining site sidewalks, trails, gazebo, pit area, and related open space amenities shall be installed prior to the completion of each phase. Further, payment in-lieu of construction of a bike path along Riley Street and 24th Avenue for the development frontage shall be provided, as offered by the applicant in accordance with Section 19.16 of the Zoning Ordinance.

(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 tenants of the duplexes and single-family dwelling within the Development. Use of such areas shall be limited to outdoor recreation, drainage, and wildlife habitat. The open 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 open space areas shall be permanently set aside as common open space, undeveloped, and to be used only for the permitted passive recreation uses specified herein. The restrictive covenant shall be legally sufficient to run with the land and thus be binding upon all subsequent owners of the property. Upon approval of the restrictive covenant by the Township attorney, it shall be recorded with the county register of deeds; after recording, a

recorded copy of the instrument shall be promptly submitted to the Township zoning administrator.

(k) Signage and Outdoor Lighting. There shall be private drive lighting in the Development as shown in the Development Plan, as set forth in Section 2(b) of this Ordinance. The cost of installation and maintenance thereof shall be at the expense of the Developer or property owners. Drive signs shall be consistent with the standards of the Ottawa County Road Commission. One identifying sign shall be allowed for the Development as located on the Development Plan and in accordance with Section 24.13C of the Zoning Ordinance.

(l) Utilities. Natural gas service, electrical service, cable television service, and telephone service to each of the duplexes and single-family dwelling in the Development shall be by means of underground facilities.

(m) Other Matters.

(1) Except as otherwise stated in this Ordinance, the Development shall comply with the requirements of the R-2 zoning district.

(2) The Development is subject to the comments and requirements of the Township Engineer as stated in the engineer's letter of April 1, 2024 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 9, 2024 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 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.

(c) The Township Board further finds that, in accordance with Section 19.11 of the Zoning Ordinance, the conditions imposed on the Development, in accordance with this Ordinance, are:

(7) designed to protect natural resources, the health, safety, and welfare, and the social and economic wellbeing of those who will use the Development, residents, and landowners immediately adjacent to the Development, and the community as a whole;

(8) related to the valid exercise of the police power, and purposes which are affected by the Development; and

(9) necessary to meet the intent and purpose of the Zoning Ordinance, are related to the standards established in the Zoning Ordinance and this Ordinance for the proposed use and are necessary to ensure compliance with those standards.

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

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

AYES: _____

NAYS: _____

ORDINANCE DECLARED _____.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2024, and approved by me on _____, 2024.

Laurie Van Haitzma, 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 _____, 2024, 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 _____, 2024.

Candy DeHaan
Township Clerk