



## **Georgetown Charter Township**

1515 Baldwin St., Jenison, MI 49428

### **Planning Commission Meeting Agenda**

**March 1, 2017, 7:30 p.m.**

1. Call To Order
2. Roll Call
3. Approval Of The Agenda
4. Approval Of The Minutes Of The Previous Meeting
5. Old Business
6. New Business
  - 6.I. (Ordinance 2017-02) (REZ1702) Site Condominium Ordinance And Revisions To Chapter 3 And 24

Motion: To recommend to the Township Board to approve the resolution for the Site Condominium Ordinance and revisions to Chapter 3 and 24.

Documents:

[RESOLUTION.PDF](#)  
[ZONING ORDINANCE REVISIONS STAFF REPORT.PDF](#)

7. Communications, Letters And Reports
8. Public Comments
9. Other Business
10. Commissioner/Staff Comments
11. Adjournment

GEORGETOWN CHARTER TOWNSHIP  
OTTAWA COUNTY, MICHIGAN  
(Ordinance No. 2017-02)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on \_\_\_\_\_, 2017, the following Ordinance/ordinance amendment was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_:

AN ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP ZONING  
ORDINANCE FOR SITE CONDOMINIUMS AND REVISIONS TO CHAPTER 3 AND 24

THE CHARTER TOWNSHIP OF GEORGETOWN (the "Township") ORDAINS:

Article I. The Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to revise Chapter 24 and Sec. 3.26 and to add the following Sec. 3.31:

**Chapter 24 – DISTRICT REGULATIONS.**

- (b) Additional front setback requirements for certain streets.
- i. In all districts, required setbacks along any of the following streets shall be measured from a point 50 ft. from the centerline of the street, if the public right-of-way measures 50 ft. or less from such centerline. Streets upon which this requirement applies include the following:  
**28<sup>th</sup> Ave. (north of Bauer Road to Fillmore Street)**
- ii. In all districts, required setbacks along any of the following streets shall be measured from a point 60 feet from the centerline of the street, if the public right-of-way measures 60 feet or less from such centerline. Streets upon which this requirement applies include the following:  
**28<sup>th</sup> Ave. (except for north of Bauer Road to Fillmore Street)**
- (r) Except for necessary drives and walks, the front yard, for a depth of thirty (30) feet, shall be landscaped and shall not be used for parking. Loading, storage and accessory structures shall not be permitted in any front yard. Side or rear yards may be used for parking and loading. Outdoor storage may be permitted, if located in the rear yard **or non-required side yard** and screened from adjoining properties and streets by a sight-obscuring fence, wall or landscaping, approved by the approving authority as designed in Chapter 19.

**Sec. 3.26 PRIVATE STREETS.**

Private streets are allowed **only** in a Planned Unit Development, a condominium project ~~including~~ and/or a private street project approved **by the Township** prior to 11-28-2000. A previously ~~approve~~ **approved lawful nonconforming** private street may not be extended. **Private streets are not allowed in any** site condominium development.

**Sec. 3.31 SITE CONDOMINIUMS.**

Pursuant to the authority conferred by Section 141 of the Michigan Condominium Act, (being MCL 559.241, Public Act 59, of 1978, as amended), all site condominium projects shall comply with this and all other applicable Township ordinances in order to provide a development that promotes and safeguards the public health, safety and general welfare of the people of this Township.

(A) **Title.**

Section 3.31 of this Ordinance shall be known and cited as the Georgetown Charter Township Site Condominium Ordinance.

(B) **Purpose.**

The purpose of Sec. 3.31 of this Ordinance is to provide procedures and standards for review and approval or disapproval of condominium projects, and to ensure that each project will be consistent and compatible with other developments in this community.

(C) **Definitions.**

For purposes of Sec. 3.31 of this Ordinance, certain terms and words used herein shall have the following meaning:

- (1) *Applicant* means a natural person, firm, association, partnership, corporation, company or combination of any of them that holds an ownership interest in land, whether recorded or not.
- (2) *Building envelope* means the ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any accessory structures including attached garage.
- (3) *Building site* means the equivalent of a lot which is that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and limited area.
- (4) *Condominium Act* means 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.
- (5) *Condominium structure* means the building or structure on a building site (also called a condominium unit).
- (6) *Site condominium project* (also called a “site condo project”) means a project of not less than two (2) site condominium units which are established and regulated pursuant to the Condominium Act.
- (7) *Site Condominium* (also called a “site condo”) means a unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- (8) *Site condominium subdivision* means a division of land, on the basis of condominium ownership, which is not subject to the provisions of the Michigan Land Division Act, being MCL 560.101 *et seq.* (Public Act 591 of 1996), as amended.
- (9) *Words and phrases*, except as otherwise defined by this Ordinance, have the same meanings given to them by the Condominium Act.

(D) **Site Plan Review and Approval Procedures.**

Site condominium developments shall only be permitted upon approval by the Planning Commission under the site plan review process in Chapter 19 and the review process contained in Section 3.31 of this Ordinance.

An applicant shall file all of the following with the Township Zoning Administrator or designee for review of a proposed site condominium project in accordance with the Township Meeting Procedures Policy:

- (1) A completed application form with the signatures from all property owners involved.
- (2) Any fee or fees as established by the Township Board.
- (3) A narrative describing the overall objective of the proposed site condo project, along with a proposed timetable.
- (4) A site plan submitted including the following:
  - a. All the elements listed in Chapter 19 as Site Plan requirements.
  - b. A layout of the individual building sites (lots) with building envelopes. All regulations pertaining to a lot shall apply to the building sites. Required setbacks shall also apply to all site condominium building envelopes.
  - c. Where applicable, floor plans and elevations of the units, with attached garages for residential units. All regulations pertaining to buildings and dwellings shall also apply to the structures.
  - d. Street layouts showing the relationship of proposed streets to adjacent streets and the relationship of improvements and significant physical features to neighboring properties and public and private utilities. All streets shall be conveyed to the Ottawa County Road Commission as a public street. There shall be no private streets.
  - e. Layouts and design of sanitary sewer, storm sewer and water mains. All site condominium projects (and buildings therein) shall be served by both public water and sanitary sewer facilities. Stormwater shall be coordinated with the Ottawa County Water Resources Commissioner.
  - f. Construction plans for utilities.

(E) **Standards.**

Every site condominium development or project shall comply with all of the following:

- (1) A site condominium unit shall be considered as a separate lot or parcel equivalent to a single lot as defined by this Zoning Ordinance, and shall meet all minimum use, width, area, setbacks and other applicable requirements of the zoning district in which the project is located, to be measured as provided for in this Ordinance.
- (2) All streets shall be public and shall be developed in compliance with Ottawa County Road Commission standards. All streets shall provide inter-connection to existing streets or provide for future interconnectivity as directed by the Road Commission.
- (3) Sidewalks and/or non-motorized paths shall be provided in compliance with Township ordinance requirements. The developer shall provide sidewalks along any of the major streets as listed in Chapter 24 footnote (b) prior to the issuance of any building permits within the project.
- (4) Public water, sanitary sewer, storm sewer and detention/retention systems shall be provided in accordance with Township ordinance requirements and also in accordance with all applicable

Ottawa County Water Resources Commission requirements. Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system shall be submitted to the Township. As-built plans for all water and sewer installations in the development shall be submitted to and become the sole property of the Township. Lot inspection fees, as set by the Township Board, shall be paid for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities. Each unit with a connection to the public water system shall be inspected.

- (5) A list containing the lowest building openings for each lot shall be filed with the Ottawa County Water Resources Commission and a copy provided to the Township.
- (6) All residential units shall have an attached garage with a minimum floor area in compliance with Ordinance requirements.
- (7) Streetlights shall be installed at the expense of the applicant.
- (8) No building permit shall be issued for structures until all utility and street construction and related rights-of-way and easements have been recorded and accepted by the Township and/or Ottawa County Road Commission.
- (9) 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 all applicable governmental agencies having jurisdiction over any aspect of the proposed site condominium project.
- (10) As a condition of granting site plan approval for a site condominium project, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township Clerk.
- (11) All standards found in Section 19.10 of this Ordinance shall also be met.

(F) **Master Deed and Restrictive Covenants.**

All provisions of a site condo project approval, including maintenance of common areas and conditions of approval, shall be incorporated by reference in the master deed for the site condo project. The master deed shall be reviewed and shall not be determined to be complete until approved by the Township Attorney at the sole cost of the applicant. After approval by the Township Attorney, the applicant shall furnish the Township with a copy of the recorded master deed and restrictive covenants and all exhibits, as recorded with the Ottawa County Register of Deeds. No zoning compliance approval or building permit for construction within the site condominium project shall be issued until a copy of the complying recorded master deed is submitted to the Township.

(G) **Changes to an Approved Site Condo Project.**

Any change proposed in connection with an approved site condo project shall be subject to the same review and approval procedures as required for the Township original review and approval.

(H) **Land Divisions.**

If any land is divided, split, proposed to be divided, or conveyed separately for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, or other interests in land, or any combination thereof, and it results in three (3) or more parcels, lots or

pieces of land, Section 3.31 of this Ordinance shall apply. If a parcel of land is created, divided or split from or out of another parcel of land, and if either, both or some of such parcels are further divided or split, or if any of such actions is proposed, within seven (7) years after the recording of the first land division or land split, then each parcel shall be subject to Section 3.31 of this Ordinance, if the number of lots, parcels of land created or developed from or out of such parcels exceeds three (3) or more parcels in total during such seven-year time period.

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

#### CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_

Richard VanderKlok

Georgetown Charter Township Clerk

## **REQUEST**

The Planning Commission requested that a Site Condominium ordinance be drafted for discussion. The Township has had two such developments in the Township without a specific ordinance to regulate the development. The Planning Commission initiated the Zoning Ordinance amendment for the site condo ordinance and for the setbacks on 28<sup>th</sup> Ave. at the February 1, 2017 meeting.

The Planning Commission initiated the Zoning Ordinance amendment to Chapter 24 footnote (r) on July 6, 2016 and directed that it be included in a future publication.

## **OPTION FOR MOTION**

Motion: To recommend to the Township Board to approve the following Zoning Ordinance amendments:

### **Ordinance 2017-02 (REZ1702):**

GEORGETOWN CHARTER TOWNSHIP  
OTTAWA COUNTY, MICHIGAN  
(Ordinance No. 2017-02)

At a regular meeting of the Township Board for the Charter Township of Georgetown, held at the Township Offices on \_\_\_\_\_, 2017, the following Ordinance/ordinance amendment was offered for adoption by Township Board Member \_\_\_\_\_, and was seconded by Township Board Member \_\_\_\_\_:

N ORDINANCE TO AMEND THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE  
FOR SITE CONDOMINIUMS AND REVISIONS TO CHAPTER 3 AND 24

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**28<sup>th</sup> Ave. (north of Bauer Road to Fillmore Street)**
  - ii. In all districts, required setbacks along any of the following streets shall be measured from a point 60 feet from the centerline of the street, if the public right-of-way measures 60 feet or less from such centerline. Streets upon which this requirement applies include the following:  
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and streets by a sight-obscuring fence, wall or landscaping, approved by the approving authority as designed in Chapter 19.

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- (3) *Building site* means the equivalent of a lot which is that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. The building site shall include the building envelope and limited area.
- (4) *Condominium Act* means 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.
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subsurface vacant air space, designed and intended for separate ownership and use described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

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  - b. A layout of the individual building sites (lots) with building envelopes. All regulations pertaining to a lot shall apply to the building sites. Required setbacks shall also apply to all site condominium building envelopes.
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**(E) Standards.**

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- (1) A site condominium unit shall be considered as a separate lot or parcel equivalent to a single lot as defined by this Zoning Ordinance, and shall meet all minimum use, width, area, setbacks and other applicable requirements of the zoning district in which the project is located, to be measured as provided for in this Ordinance.
- (2) All streets shall be public and shall be developed in compliance with Ottawa County Road Commission standards. All streets shall provide inter-connection to existing streets or provide for future interconnectivity as directed by the Road Commission.
- (3) Sidewalks and/or non-motorized paths shall be provided in compliance with Township ordinance requirements. The developer shall provide sidewalks along any of the major streets as listed in Chapter 24 footnote (b) prior to the issuance of any building permits within the project.
- (4) Public water, sanitary sewer, storm sewer and detention/retention systems shall be provided in accordance with Township ordinance requirements and also in accordance with all applicable Ottawa County Water Resources Commission requirements. Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system shall be submitted to the Township. As-built plans for all water and sewer installations in the development shall be submitted to and become the sole property of the Township. Lot inspection fees, as set by the Township Board, shall be paid for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities. Each unit with a connection to the public water system shall be inspected.
- (5) A list containing the lowest building openings for each lot shall be filed with the Ottawa County Water Resources Commission and a copy provided to the Township.
- (6) All residential units shall have an attached garage with a minimum floor area in compliance with Ordinance requirements.
- (7) Streetlights shall be installed at the expense of the applicant.
- (8) No building permit shall be issued for structures until all utility and street construction and related rights-of-way and easements have been recorded and accepted by the Township and/or Ottawa County Road Commission.
- (9) 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 all applicable governmental agencies having jurisdiction over any aspect of the proposed site condominium project.
- (10) As a condition of granting site plan approval for a site condominium project, the Township may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township Clerk.

(11) All standards found in Section 19.10 of this Ordinance shall also be met.

(F) **Master Deed and Restrictive Covenants.**

All provisions of a site condo project approval, including maintenance of common areas and conditions of approval, shall be incorporated by reference in the master deed for the site condo project. The master deed shall be reviewed and shall not be determined to be complete until approved by the Township Attorney at the sole cost of the applicant. After approval by the Township Attorney, the applicant shall furnish the Township with a copy of the recorded master deed and restrictive covenants and all exhibits, as recorded with the Ottawa County Register of Deeds. No zoning compliance approval or building permit for construction within the site condominium project shall be issued until a copy of the complying recorded master deed is submitted to the Township.

(G) **Changes to an Approved Site Condo Project.**

Any change proposed in connection with an approved site condo project shall be subject to the same review and approval procedures as required for the Township original review and approval.

(H) **Land Divisions.**

If any land is divided, split, proposed to be divided, or conveyed separately for the purpose of sale, transfer or building construction, into or including a number of lots, parcels of land, or other interests in land, or any combination thereof, and it results in three (3) or more parcels, lots or pieces of land, Section 3.31 of this Ordinance shall apply. If a parcel of land is created, divided or split from or out of another parcel of land, and if either, both or some of such parcels are further divided or split, or if any of such actions is proposed, within seven (7) years after the recording of the first land division or land split, then each parcel shall be subject to Section 3.31 of this Ordinance, if the number of lots, parcels of land created or developed from or out of such parcels exceeds three (3) or more parcels in total during such seven-year time period.

Article II. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

Article III. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance/ordinance amendment shall be found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance/ordinance amendment, and the balance of this Ordinance/ordinance amendment shall remain unchanged and in full force and effect.

Article IV. Effective Date. This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after the date that this Ordinance/ordinance amendment or a summary thereof appears in the newspaper as provided by law.

The vote in favor of this Ordinance/ordinance amendment was as follows:

YEAS:

NAYS:

ABSENT/ABSTAIN:

ORDINANCE/ORDINANCE AMENDMENT DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/ordinance amendment adopted by the Township Board for Georgetown Charter Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By \_\_\_\_\_

Richard VanderKlok

Georgetown Charter Township Clerk