Georgetown Charter Township

1515 Baldwin St., Jenison, MI 49428

Planning Commission Meeting Agenda

January 20, 2016

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. (PUD1601) (Ordinance No. 2016-01) Koetje Builders And Developers For Eagle's Roost Condominiums, 547 Baldwin St., Is Requesting Preliminary Planned Unit Development Approval For Condominiums, Along With Various Amenities, On Parcels Of Land Described As P.P. # 70-14-17-200-020, P.P. # 70-14-17-200-021, P.P. # 70-14-08-400-042 And Part Of P.P. # 70-14-08-400-015, Located At 7920, 7930, 8024 And 8100 36th Ave., Georgetown Township, Ottawa County, Michigan.

Documents: APPLICATION.PDF, NARRATIVE RESTRICTIONS.PDF, SITE DEV PLAN.PDF, UTILITY PLAN.PDF, GRD PLAN.PDF

6.I.i. Elevation And Sign And Staff Report

Documents: CONDO FRONT REV..PDF, SIGN.PDF, EAGLES ROOST PRELIMINARY PUD STAFF REPORT.PDF

6.II. (ST1601) Muusse Site Condo Development, P.P. # 70-14-18-200-054, Located At 7976 42nd Ave. The Request Is For Site Plan Approval For A Site Condo Development For 17 Lots In The LDR District. Public Water And Sanitary Sewer Are Proposed To Be Provided.

Documents: SITE PLAN.PDF, GRADING PLAN.PDF, MUUSSE STAFF REPORT.PDF

7. Discuss Zoning Ordinance Revisions

Documents: ZO CHANGES2.PDF

7.I. Discuss Mean Height And Maximum Number Of Stories

Documents: ZO CHANGES3.PDF

8. Communications, Letters And Reports
9. Public Comments
10. Other Business

11. Commissioner/Staff Comments
12. Adjournment

PERMIT NUMBER: EAGLE'S ROOST CONDOMINIUM

APPLICATION FOR PLANNED UNIT DEVELOPMENT

Georgetown Charter Township
1515 Baldwin St, P.O. Box 769
Jenison, MI 49429
616-457-2340

revised: January 26, 2009

APPLICANT INFORMATION

COMPANY NAME: KOETJE BUILDERS AND DEVELOPERS	PHONE: (616) 457-3450
APPLICANT NAME: IKE KOETJE	julie@koetjebuilders.com
ADDRESS: 547 BALDWIN STREET	CITY / STATE / ZIP: JENISON, MI 49428

PROPERTY INFORMATION

COMPANY NAME: SAME AS APPLICANT	PHONE: (616) 457-3450
OWNER / AGENT NAME: IKE KOETJE	TITLE: MEMBER
ADDRESS: 7930 - 36TH AVENUE	CITY / STATE / ZIP: JENISON, MI 49428
PARCEL NUMBER: 70-14-08-400-042, pt. -400-015; 70-14-17-200-020 & -021	ZONING DISTRICT: LDR
LEGAL DESCRIPTION: SEE ATTACHED	PARCEL SIZE (IN ACRES): 45.7 ACRES

PROJECT INFORMATION

DESCRIBE THE NATURE OF THE PROPOSED PLANNED UNIT DEVELOPMENT:

136 UNIT CONDOMINIUM DEVELOPMENT

CHAPTER 22 IDENTIFIES THE OBJECTIVES TO BE CONSIDERED IN ESTABLISHING A PUD. THESE ARE LISTED IN THE INFORMATION ACCOMPANYING THIS FORM. IN THE SPACE BELOW OR ON ADDITIONAL PAGES, IF NEEDED, STATE HOW THIS REQUEST CONFORMS TO THE OBJECTIVES.

SEE ATTACHED

APPLICATION INFORMATION

TEN (10) COPIES OF A COMPLETE SITE PLAN CONTAINING ALL THE INFORMATION REQUIRED BY SEC. 22.5 OF THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE MUST ACCOMPANY THIS APPLICATION FORM, ALONG WITH A FEE, AS ESTABLISHED BY THE TOWNSHIP BOARD. THE ATTACHED INSTRUCTIONS SHOULD BE RETAINED BY THE APPLICANT.

APPLICANT SIGNATURE

IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. BY SIGNING I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASON.

APPLICANT SIGNATURE:	**DATE:**

FOR OFFICE USE ONLY

DATE OF PREAPPLICATION MEETING:	DATE OF PLANNING COMMISSION MEETING:	
DATE OF TOWNSHIP BOARD MEETING:	DATE NOTICE PUBLISHED:	DATE PROPERTY NOTICES WERE SENT:

exxel engineering, inc.
planners · engineers · surveyors

Eagles Roost
CONDOMINIUMS

PUD Narrative

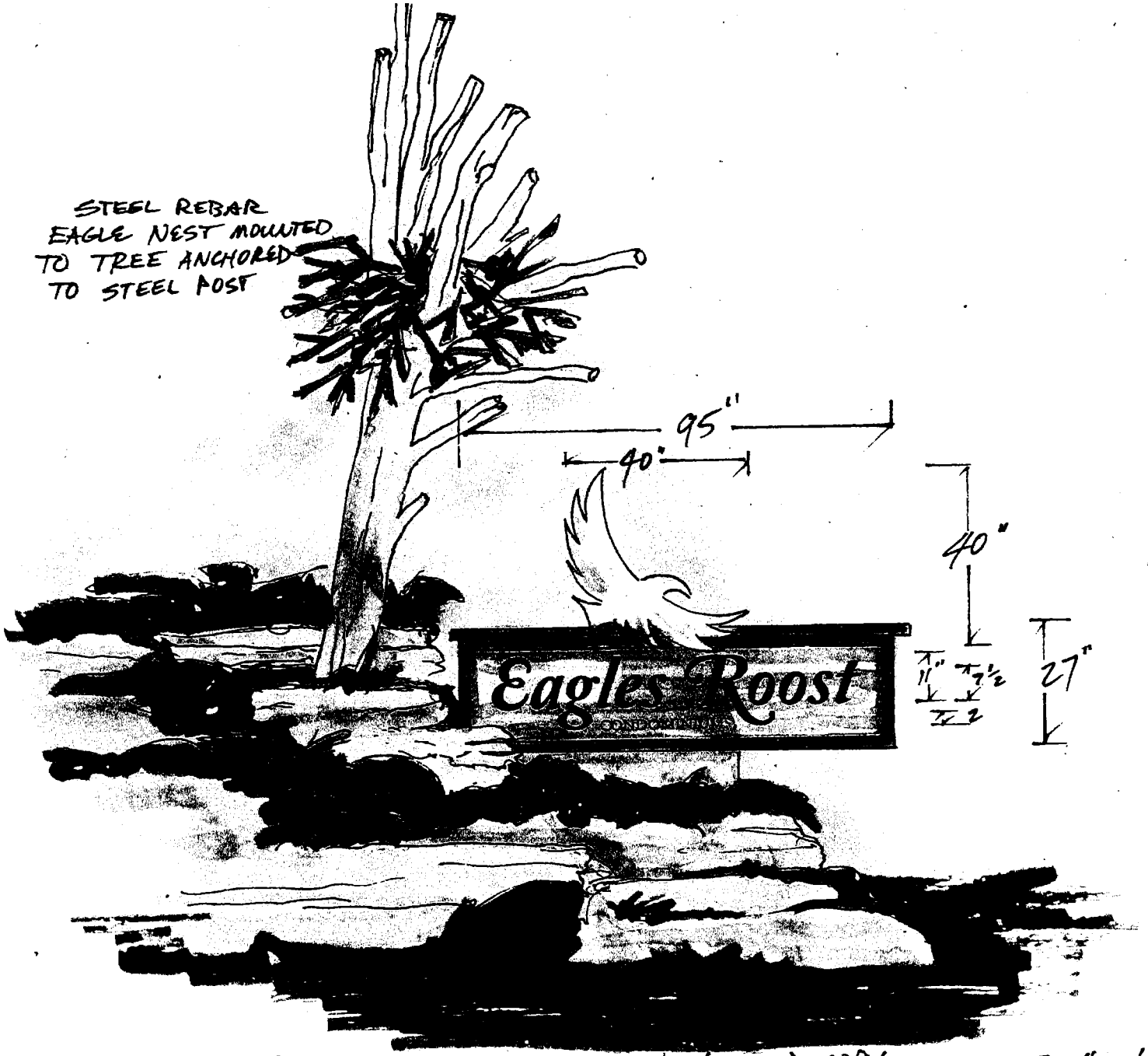
1. PUD Objective: It is the objective of this PUD development to create sites for 68 duplex condominium buildings (136 total units). Twelve (12) units will have view and all units will have use of the 2.9 acre pond and 16.8 acres of open space. The PUD allows creativity in the design of the private roadways, building placement, open space, walkways, and landscaping over traditional subdivision options.

2. Qualifying Conditions:
   a) PUD Acreage = 45.35 acres.
   b) All building-sites will be served with public sanitary sewer and watermain.
   c) The applicant is the owner of all properties within the PUD Development
   d) The PUD complies with the intent of the master plan which calls for this area to be LDR (2 to 3 units / acre). Proposed permitted density is 3 units per acre.
   e) The PUD does provide for safe and abundant pedestrian access and movement. Sidewalks are provided along 36th Avenue, walkway connections to and through the open space, walkway around the pond, and a sidewalk for an interconnection to Box Elder Drive is provided.
   f) Coordinated architectural forms will be provided throughout the development.
   g) PUD provides for safe and efficient movement of traffic. Multiple looped roadways are provided for safe internal traffic movement and a secondary connection to Box Elder Drive is provided for emergency vehicle access between developments. Visitor parking spaces are provided along the private roadways to minimize on-street parking.
   h) 16.8 acres of open space is provided which include the 2.9 acre pond and surrounding property. The open space area exceeds the 20% minimum requirement.

3. Project Phasing:
   Phase 1 – Buildings 1-33 (2016 - 2018 construction).
   Phase 2 – Buildings 34-68 (2018 – 2020 construction, market dependent).

4. A draft example of the proposed condominium bylaws has been provided to the township for review.

5252 Clyde Park Ave., SW • Grand Rapids, MI 49509-9788 • (616) 531-3660 • Fax (616) 531-2121 • www.exxelengineering.com



SANDBLASTED CEDAR SIGN W/RAISED COPY & BORDER, ALUMINUM CAP & END TRIM, HDU OR PVC EAGLE. SIGN STRUCTURE MOUNTED TO CONCRETE BASE.

3/8" = 1'0"

R 11/15

Eagles Roost - Draft

c. *Amendment to master deed.* In the event the project continues after the taking by eminent domain, the remaining portion of the project shall be resurveyed and the master deed amended accordingly. If any unit shall have been taken, section 5 of the master deed shall also be amended to reflect the taking and to proportionately readjust the percentages of value of the remaining co-owners based upon the continuing total value of the condominium of 100 percent. The amendment may be completed by an officer of the association duly authorized by the board without the necessity of execution or specific approval by any co-owner.

d. *Notice to mortgagees.* In the event any unit in the condominium, the common elements, or any portion of them is made the subject matter of an eminent domain proceeding or is otherwise sought to be acquired by a condemning authority, the association shall promptly notify each holder of a publicly recorded mortgage lien on any of the units in the condominium.

e. *Inconsistent provisions.* To the extent not inconsistent with the provisions of this section, section 133 of the act ("contractible projects") shall control upon any taking by eminent domain.

Section 7

USE AND OCCUPANCY RESTRICTIONS

7.1 Residential Use. Condominium units shall be used exclusively for residential occupancy and no unit or appurtenant common element shall be used for any purpose other than that of a single family residence or purposes incidental to residential use. Home occupations conducted entirely within the residence and participated in solely by members of the immediate family residing in the residence that do not generate unreasonable traffic by members of the general public and do not change the residential character of the unit or neighborhood, are permitted as incidental to primary residential use. No building intended for other business uses, and no apartment house, rooming house, day care facility, foster care residence, or other commercial and/or multiple-family dwelling of any kind shall be erected, placed, or permitted on any unit. To be permitted as a "home occupation," there must be: (1) no sign or display that indicates from the exterior that the residence is being utilized for any purpose other than that of a single family dwelling; (2) no goods or commodities shall be kept for viewing and/or sale upon the unit or within the project; and (3) no mechanical or electrical equipment is used, other than personal computers and other office equipment. In no event shall any barber shop, styling salon, beauty parlor, tea room, day care center, foster home, group home, animal hospital, or any other form of animal care and/or treatment such as dog trimming, be considered as a home occupation. Although garage sales are included within the prohibited uses since commodities are sold at garage sales, garage sales may nonetheless be conducted with the prior written approval of the Association, if the Association determines to permit garage sales, so long as conducted in accordance with any rules or conditions adopted by the Association.

7.2 Common Areas. The common elements shall be used only by the co-owners of units in the condominium and by their agents, tenants, family members, invitees, and licensees for access, ingress to, and egress from the respective units, and for other purposes incidental to use of the units; provided, that any parking areas, storage facilities, or other common elements designed for a specific purpose shall be used only for those purposes or other uses approved by the board. The use, maintenance, and operation of the common elements shall not be obstructed,

damaged, or unreasonably interfered with by any co-owner, and shall be subject to any lease or easement presently in existence or entered into by the board at some future date that affects all or any part of the common elements. Parking shall be permitted only on one side of the street, to be specified by the Association. The common areas that consist of easement rights over the adjacent plat, Unity Timbers, may be used by the owners of lots in the plat.

7.3 Use and Occupancy Restrictions. In addition to the general requirements of sections 7.1 and 7.2, the use of the project and its common elements by any co-owner shall be subject to the following specific restrictions:

a. *Exterior changes.* No co-owner shall make any additions, alterations, or modifications to any of the common elements, nor make any changes to the exterior appearance or structural elements of the unit without the prior written approval of the association. The association shall not approve any alterations or structural modifications that would jeopardize or impair the soundness, safety, or appearance of the project. Any co-owner may make alterations, additions, or improvements within the co-owner's unit without the prior approval of the board, but the co-owner shall be responsible for any damage to other units, the common elements, or the property resulting from such alterations, additions, or improvements.

b. *Unit rental.* No portion of a unit may be rented, and no transient tenants may be accommodated in any building; provided, that this restriction shall not prevent the rental or sublease of an entire unit together with its appurtenant limited common elements for residential purposes in the manner permitted by these bylaws.

c. *Nuisances.* No nuisances shall be permitted on the property nor shall any use or practice be permitted that is a source of annoyance to, or that interferes with the peaceful possession or proper use of the project by the co-owners. No unit shall be used in whole or in part for the storage of rubbish or trash, nor for the storage of any property or thing that may cause the unit to appear in an unclean or untidy condition. No substance or material shall be kept on a unit that will emit foul or obnoxious odors, or that will cause excessive noise that will or might disturb the peace, quiet, comfort, or serenity of the occupants of surrounding units.

d. *Prohibited uses.* No immoral, improper, offensive, or unlawful use shall be conducted on the property, and nothing shall be done or kept in any unit or on the common elements that will increase the rate of insurance for the project without the prior written consent of the association. No co-owner shall permit anything to be done or kept in the co-owner's unit or elsewhere on the common elements that will result in the cancellation of insurance on any unit or any part of the common elements, or that will be in violation of any law.

e. *Signs.* No signs or other advertising devices (other than one professionally made unlit sign, or a sign of substantially the same quality and appearance, not larger than four square feet in size, advertising a unit for sale) that are visible from the exterior of the unit or from the common elements shall be displayed on any unit without written permission from the association or its managing agent.

f. *Personal property.* No co-owner shall display, hang, or store any clothing, sheets, blankets, laundry, or other articles of personal property outside a unit. This

restriction shall not be construed to prohibit a co-owner from placing and maintaining outdoor furniture and accoutrements and decorative foliage of a customary nature and appearance on a patio, deck, or balcony appurtenant to a unit; provided, that no such furniture or other personal property shall be stored during the winter season on any open patio, deck, or balcony that is visible from another unit or from the common elements of the project.

g. *Firearms and weapons.* No co-owner shall use, or permit the use by any occupant, agent, tenant, invitee, guest, or member of the co-owner's family of any firearms, air rifles, pellet guns, B-B guns, bows and arrows, illegal fireworks or other dangerous weapons, projectiles, or devices anywhere on or about the property.

h. *Pets and animals.* No animals of any kind may be kept or maintained in any unit except for no more than a total of two of any combination of domestic dogs and domestic cats, and/or two caged birds, without the prior written consent of the association, which consent, if given, may be revoked at any time by the association. No exotic, savage, or dangerous animal shall be kept on the property, and no animal may be kept or bred for commercial purposes. Common household pets permitted under the provisions of this subsection shall be kept only in compliance with the rules and regulations promulgated by the board of directors from time to time, and must at all times be kept under care and restraint so as not to be obnoxious on account of noise, odor, or unsanitary conditions. No animal shall be permitted to run loose upon the common elements or within any unit (except the unit owned by the owner of such animal), and the owner of each pet shall be responsible for cleaning up after it.

The association may charge a co-owner maintaining animals a reasonable supplemental assessment if the association determines that such an assessment is necessary to defray additional maintenance costs to the association of accommodating animals within the condominium. The association may also, without liability to the owner of the pet, remove or cause any animal to be removed from the condominium that it determines to be in violation of the restrictions imposed by this section. Any person who causes or permits any animal to be brought to or kept on the condominium property shall indemnify and hold the association harmless from any loss, damage, or liability that the association may sustain as a result of the presence of such animal on the condominium property.

i. *Recreational vehicles.* No recreational vehicles, snowmobiles, boats, trailers or vehicles other than automobiles and light trucks shall be parked or stored anywhere on the property, except within a unit's garage, with the garage door closed, without the written approval of the association, or for a period of up to 48 hours for the purpose of loading and unloading. No snowmobile, all-terrain vehicle, or other motorized recreational vehicle shall be operated on the property. No maintenance or repair shall be performed on any boat or recreational vehicle except within a garage or residence where totally isolated from public view.

j. *Occupancy limitations.* No more than 4 persons shall permanently occupy or reside in any two-bedroom unit, and no more than 5 persons shall permanently occupy or reside in any unit with three or more bedrooms, without the express

prior written approval of the association. In the event that a violation of this restriction by a family in occupancy of a unit results from the birth or adoption of a child, or the marriage or remarriage of a family member, this restriction shall be suspended as to such family for a period of one year to provide such family a reasonable time to cure such violation or otherwise dispose of the unit.

k. *Satellite dishes.* A co-owner may install a satellite dish on the co-owner's unit, subject to reasonable prior written approval by the association as to size, location, color, and screening. To the extent required by applicable federal law, the association's regulations shall not unreasonably impair a co-owner's installation, maintenance, or use of the satellite dish.

l. *Application of restrictions.* Unless there is an election to arbitrate pursuant to these bylaws, a dispute or question as to whether a violation of any specific regulation or restriction contained in this section has occurred shall be submitted to the board, which shall conduct a hearing and render a decision in writing; the decision shall be binding upon all co-owners and other parties having an interest in the project.

m. *Use of common elements.* The general common elements shall not be used for the storage of supplies or personal property (except for such short periods of time as may be reasonably necessary to permit the placement of trash for collection the next day). No vehicles shall be parked on or along the private drive(s) (except in the event of approved parties or receptions generating a need for off-site parking), and co-owners shall not personally use or obstruct any guest parking areas that may be located on the common elements of the project without the prior consent of the association. No co-owner shall in any way restrict access to any utility line or other area that must be accessible to service the common elements or that affects an association responsibility in any way. In general, no activity shall be carried on nor condition maintained by any co-owner either in the co-owner's unit or upon the common elements that despoils the appearance of the condominium.

n. *Vehicle limitations.* Each unit may have a maximum of 3 vehicles, 2 of which must be parked in the garage.

o. *Prohibitions Regarding Pond.* The pond located within the Condominium is burdened by an easement in favor of Lots 17-25 in the adjacent Plat, and may not be used by any co-owners for irrigation, recreation or otherwise. No fertilizer shall be applied within fifty feet (50') of the pond. No irrigation shall be permitted from the pond.

7.4 Zoning Compliance. In addition to the restrictions contained in this section, the use of any unit must satisfy the requirements of the zoning ordinances of the municipality in which the project is located in effect at the time of the contemplated use, unless a variance for such use is obtained from the municipality.

7.5 Rules of Conduct. Additional rules and regulations consistent with the act, the master deed, and these bylaws concerning the use of units and common elements may be promulgated and amended by the board. Copies of such rules and regulations must be furnished by the board to each co-owner at least 10 days prior to their effective date, and may be revoked at any time by the affirmative vote of 60 percent or more of all co-owners.

7.6 Enforcement by Developer. The project shall at all times be maintained in a manner consistent with the highest standards of a private residential community, used and occupied for the benefit of the co-owners and all other persons interested in the condominium. If at any time the association fails or refuses to carry out its obligations to maintain, repair, replace, and landscape in a manner consistent with the maintenance of such standards, the developer, or any person to whom it may assign this right may, at its option, elect to maintain, repair, and/or replace any common elements or to do any landscaping required by these bylaws and to charge the cost to the association as an expense of administration. The developer shall have the right to enforce these bylaws throughout the development and sales period, which right of enforcement shall include (without limitation) an action to restrain the association or any co-owner from any prohibited activity.

7.7 Co-owner Enforcement. An aggrieved co-owner will also be entitled to compel enforcement of the condominium documents by action for injunctive relief and/or damages against the association, its officers, or another co-owner in the project.

7.8 Remedies on Breach. In addition to the remedies granted by these bylaws for the collection of assessments, the association shall have the right, in the event of a violation of the restrictions on use and occupancy imposed by this section, to enter the unit and to remove or correct the cause of the violation. Such entry will not constitute a trespass, and the co-owner of the unit will reimburse the association for all costs of the removal or correction. Failure to enforce any of the restrictions contained in this section will not constitute a waiver of the right of the association to enforce restrictions in the future.

7.9 Reserved Rights of Developer. The restrictions contained in this section shall not apply to the commercial activities of the developer during the development and sales period. The developer shall also have the right to maintain a sales office, advertising display signs, storage areas, and reasonable parking incident to its sales efforts and such access to, from, and over the property as may be reasonable to enable development and sale of the entire project. The Developer may modify floor plans or develop new floor plans. The front elevation of modified or new floor plans will remain consistent with the style of other units.

7.10 Assignment and Succession. Any of the rights granted to or reserved by the developer in the condominium documents or by law may be assigned by it to any other entity or to the association. Any such assignment or transfer shall be made by an appropriate document in writing, signed by the developer and recorded in the public records of the county in which the project is located. Upon such qualification, the assignee will have the same rights and powers as those granted to or reserved by the developer in the condominium documents.

Section 8

MORTGAGES

8.1 Notice to Association. Any co-owner who mortgages a unit shall notify the association of the name and address of the mortgagee (referenced in this section as a "mortgagee"), and the association will maintain such information. The information relating to mortgagees will be made available to the developer or its successors as needed for the purpose of obtaining consent from, or giving notice to mortgagee concerning actions requiring consent or notice to mortgagees under the condominium documents or the act.

8.2 Insurance. The association shall notify each mortgagee of the name of each

company insuring the condominium against fire, perils covered by extended coverage, and vandalism and malicious mischief, with the amounts of the coverage.

8.3 Rights of Mortgagees. Except as otherwise required by applicable law or regulation, a mortgagee has the following rights:

a. *Inspection and notice.* Upon written request to the association, a mortgagee will be entitled to: (1)inspect the books and records relating to the project upon reasonable notice; (2) receive a copy of the annual financial statement that is distributed to co-owners; (3) notice of any default under the condominium documents by its mortgagor in the performance of the mortgagor's obligations that is not cured within 30 days; and (4) notice of all meetings of the association and its right to designate a representative to attend the meetings.

b. *Exemption from restrictions.* A mortgagee that comes into possession of a unit pursuant to the remedies provided in the mortgage or by deed in lieu of foreclosure, shall be exempt from any option or right of first refusal on the sale or rental of the mortgaged unit in the condominium documents.

c. *Past-due assessments.* A mortgagee that comes into possession of a unit pursuant to the remedies provided in the mortgage, or by deed in lieu of foreclosure, shall take the unit free of any claims for unpaid assessments on charges against the mortgaged unit that accrue prior to the time the mortgagee comes into possession, except for assessments having priority as liens against the unit or claims for a pro rata share of such assessments or charges resulting from a reallocation of such assessments charged to all units including the mortgaged unit.

8.4 Additional Notification. When notice is to be given to a mortgagee, the board shall also give such notice to the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Veterans Administration, the Federal Housing Administration, the Farmer's Home Administration, the Government National Mortgage Association and any other public or private secondary mortgage market entity participating in purchasing or guarantying mortgages of units in the condominium if the board has notice of such participation.

Section 9

LEASES

9.1 Notice of Lease. A co-owner, including the developer, intending to lease a unit, shall disclose that fact in writing to the association at least 10 days before presenting a lease form to the prospective tenant and, at the same time, shall supply the association with a copy of the lease form. No unit shall be leased for a period of less than 90 days without the prior written consent of the association.

9.2 Terms of Lease. Non-co-owner occupants of a unit shall comply with all the conditions of the condominium documents of the project, and all lease and rental agreements must require such compliance.

9.3 Remedies of Association. If the association determines that any non-co-owner occupant has failed to comply with any conditions of the condominium documents, the association may take the following action:

a. *Notice.* The association shall notify the co-owner of the unit by certified mail

advising of the alleged violation by the non-co-owner occupant.

b. *Investigation.* The co-owner will have 15 days after receipt of the notice to investigate and correct the alleged breach by the non-co-owner occupant or to advise the association that a violation has not occurred.

c. *Legal action.* If, after 15 days, the association believes that the alleged breach has not been cured or may be repeated, it may institute an action for eviction against the non-co-owner occupant and a simultaneous action for money damages (in the same or in a separate action) against both the co-owner and the non-co-owner occupant for breach of the conditions of the condominium documents. The relief provided for in this section may be by summary proceeding. The association may hold both the non-co-owner occupant and the co-owner liable for any damages to the common elements caused by the co-owner or non-co-owner occupant in connection with the unit or the project.

9.4 Liability for Assessments. If a co-owner is in arrears to the association for assessments, the association may give written notice of the arrearage to a non-co-owner occupant occupying the co-owner's unit under a lease or rental agreement and the non-co-owner occupant, after receiving such notice, shall deduct from rental payments due the co-owner the full arrearage, and future assessments as they fall due, and pay them to the association. Such deductions shall not be a breach of the lease agreement by the non-co-owner occupant.

Section 10

TRANSFER OF UNITS

10.1 Unrestricted Transfers. An individual co-owner may, without restriction under these bylaws, sell, give, devise, or otherwise transfer the co-owner's unit, or any interest in the unit.

10.2 Notice to Association. Whenever a co-owner shall sell, give, devise, or otherwise transfer the co-owner's unit, or any interest in the unit, the co-owner shall give written notice to the association within five days after consummating the transfer. Such notice shall be accompanied by documents evidencing the title or interest transferred.

Section 11

ARBITRATION

11.1 Submission to Arbitration. Any dispute, claim, or grievance arising out of or relating to the interpretation or application of the master deed, bylaws, or other condominium documents, and any disputes, claims, or grievances arising among or between co-owners or between co-owners and the association may, upon the election and written consent of the parties to the dispute, claim, or grievance, and written notice to the association, be submitted to arbitration. The parties shall accept the arbitrator's decision and/or award as final and binding. The commercial arbitration rules of the American Arbitration Association, as amended and in effect from time to time, shall be applicable to all such arbitrations.

11.2 Disputes Involving the Developer. A contract to settle by arbitration may also be executed by the developer and any claimant with respect to any claim against the developer that might be the subject of a civil action, provided that:

a. *Purchaser's option.* At the exclusive option of a purchaser or co-owner in the

project, a contract to settle by arbitration shall be executed by the developer with respect to any claim that might be the subject of a civil action against the developer, which claim involves an amount less than $2,500 and arises out of or relates to a purchase agreement, unit, or the project.

b. *Association's option.* At the exclusive option of the association of co-owners, a contract to settle by arbitration shall be executed by the developer with respect to any claim that might be the subject of a civil action against the developer, which claim arises out of or relates to the common elements of the project, if the amount of the claim is $10,000 or less.

11.3 Preservation of Rights. Election by any co-owner or by the association to submit any dispute, claim, or grievance to arbitration shall preclude that party from litigating the dispute, claim, or grievance in the courts. Except as provided in this section, however, all interested parties shall be entitled to petition the courts to resolve any dispute, claim, or grievance in the absence of an election to arbitrate.

Section 12

OTHER PROVISIONS

12.1 Definitions. All terms used in these bylaws will have the same meaning assigned by the master deed to which the bylaws are attached, or as defined in the act.

12.2 Severability. In the event that any of the terms, provisions, or covenants of these bylaws or of any condominium document are held to be partially or wholly invalid or unenforceable for any reason whatsoever, such holding shall not affect, alter, modify, or impair any of the other terms, provisions, or covenants of such documents or the remaining portions of any terms, provisions, or covenants held to be partially invalid or unenforceable.

12.3 Notices. Notices provided for in the act, master deed, or bylaws shall be in writing and shall be addressed to the association at its registered office in the State of Michigan and to any co-owner at the address contained in the deed of conveyance, or at such other address as may subsequently be provided. The association may designate a different address for notices to it by giving written notice of such change of address to all co-owners. Any co-owner may designate a different address for notices by giving written notice to the association. Notices addressed as above shall be deemed delivered when mailed by United States mail with postage prepaid or when delivered in person.

12.4 Amendment. These bylaws may be amended, altered, changed, added to, or repealed only in the manner prescribed in the master deed.

12.5 Conflicting Provisions. In the event of a conflict between the act (or other laws of the State of Michigan) and any condominium document, the act (or other laws of the State of Michigan) shall govern. In the event of a conflict between the provisions of any one or more of the condominium documents themselves, the following order of priority shall be applied, and the provisions of the document having the highest priority shall govern:

1. the master deed, including the condominium subdivision plan (but excluding these bylaws);
2. these condominium bylaws;
3. the articles of incorporation of the association;

4. the association bylaws;
5. the rules and regulations of the association; and
6. the disclosure statement.

PRELIMINARY

PUD–SITE DEVELOPMENT PLAN
EAGLES ROOST CONDOMINIUM

For: KOETJE BUILDERS AND DEVELOPERS LLC
ATTN: IKE KOETJE
547 BALDWIN STREET
JENISON, MI 49428

In: PART OF THE SE 1/4 OF SECTION 8, T6N, R13W, AND PART OF THE NE 1/4 OF SECTION 17, T6N, R13W GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

REVISIONS:
12/11/2015 Rev. per Georgetown Twp.

exxel engineering, inc.
planners · engineers · surveyors
5252 Clyde Park, S.W. • Grand Rapids, MI 49509
Phone: (616) 531-3660 Fax: (616) 531-2121
www.exxelengineering.com

DRAWN BY: dgb	PROJ. ENG.: TRS	SHEET
APPROVED BY: TRS	PROJ. SURV.: -	1 of 3
FILE NO.: 141984E	DATE: 10/29/2015	

PUD GENERAL NOTES:

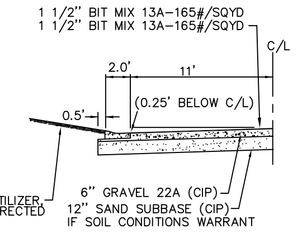
1. PROPOSED PUD DESCRIPTION: Part of the Southeast 1/4 of Section 8, and part of the Northeast 1/4 of Section 17, T6N, R13W, Georgetown Township, Ottawa County, Michigan, described as follows: Commencing at the South 1/4 corner of said Section 8; thence S89°37'59"E 208.71 feet along the South line of said section 8 to the Point of Beginning; thence S89°37'59"E 125.48 feet along said South line; thence N00°16'35"W 200.01 feet; thence S89°37'59"E 990.00 feet along the North line of the South 200.0 feet of said Section 8 to the East line of the Southwest 1/4 of said Southeast 1/4; thence N89°43'25"E 224.27 feet; thence S55°22'46"E 204.98 feet; thence S64°05'50"E 149.60 feet; thence N12°12'30"E 150.00 feet; thence Easterly 105.02 feet along the arc of a 333.0 foot radius curve to the left, the chord of which bears S81°08'20"E 104.58 feet; thence S00°10'26"E 154.02 feet along the West line of the East 1/2 of the East 1/2 of said Southeast 1/4; thence S89°37'59"E 662.09 feet along the South line of said Southeast 1/4; thence S00°28'40"E 662.12 feet along the East line of said Northeast 1/4; thence N89°38'56"W 2647.94 feet along the South line of the North 1/2 of the North 1/2 of said Northeast 1/4; thence N00°30'54"W 454.16 feet along the North–South 1/4 line of said Section 17; thence S89°37'59"E 208.71 feet; thence N00°30'54"W 208.71 feet to the Point of Beginning.
   Total Acres = 45.68 (Excluding R/W)
2. EXISTING ZONING: LDR (LOW DENSITY RESIDENTIAL)
   PROPOSED ZONING: PUD (PLANNED UNIT DEVELOPMENT)
   PUD Requirements:
   Front Setback: 28' min. (Curb to Garage)
   Side Setback: 25' min. (To Project Boundary)
   Rear Setback: 40' min. (To Project Boundary)
   Distance Between Buildings: 20' min.
3. DENSITY: 136 Units / 45.35 ACRES = 3.0 Units/Acre
4. L.D.R. DENSITY: 2 –3 Units/Acre (Per Master Plan)
5. LAND USE SUMMARY:
   Building: 6.61 AC. (14.58%)
   Pavement: 5.86 AC. (12.92%)
   Pond: 3.0 AC. (6.62%)
   Green Area: 29.88 AC. (65.88%)
6. OPEN SPACE
   Total Open Space Required (20%): 9.00 Acres
   Total Open Space Proposed: 16.8 Acres (including 2.9 Ac. Pond)
7. TOTAL PARKING SHOWN:
   272 Garage Spaces
   272 Driveway Spaces
   32 Off Street Spaces
8. Trash Receptacles to be included in individual units. (No Dumpsters)
9. All Lighting Fixtures will be Cut–Off Style and direct light downward on 12' pole.
10. Phasing: Phase 1 – Buildings 1 – 33
    Phase 2 – Buildings 34 – 68
11. This project does not lie within the floodplain are regulated by MDEQ or FEMA
12. A Storm Water Drain permit will provided from the O.C.W.R.C.

DEVIATION TABLE

	LDR	PUD
HOUSING TYPE	SINGLE FAMILY	2 UNIT BUILDINGS

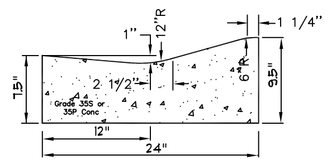
PHASE 1 Anticipated Time Frame:
– Infrastructure Construction: Spring – Fall 2016
– Building Construction: Fall 2016 – Fall 2018 (As market demands)

Scale 1" = 100'

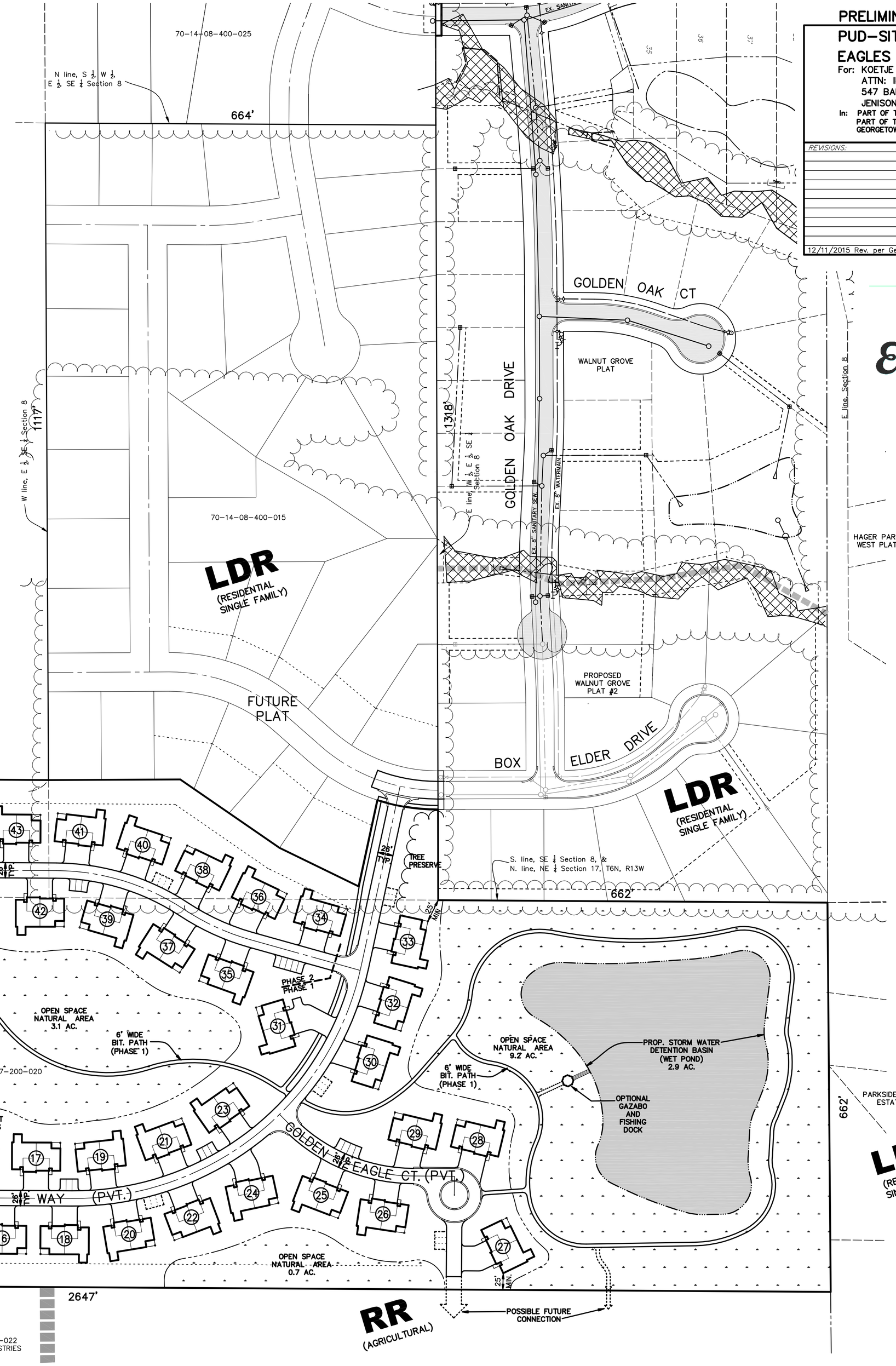


TYPICAL HALF SECTION

Notes : 1 Contraction Joints shall be placed every 10 ft
2 Expansion Joints shall be placed at 350 ft Min and at all Radius Points

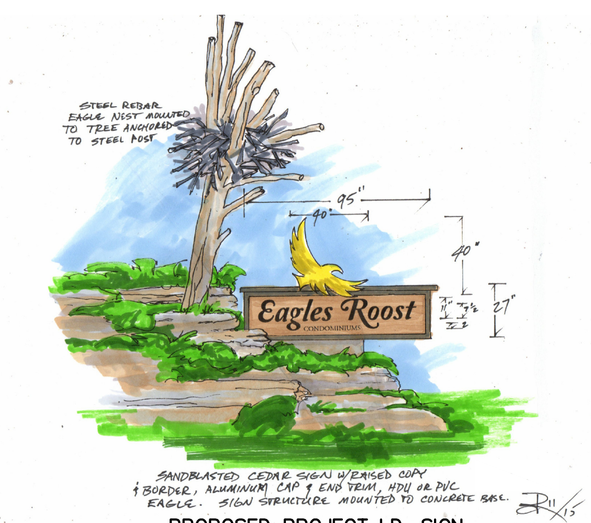


24" CONC ROLLED CURB DETAIL
(PITCHED IN)

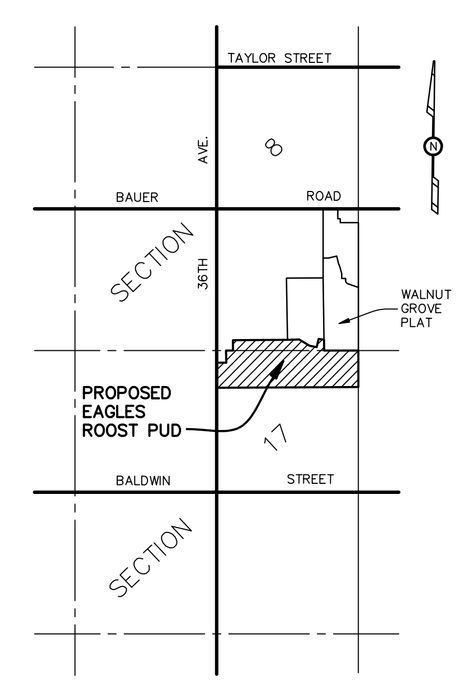


Eagles Roost
CONDOMINIUMS

STATE OF MICHIGAN
TODD R. STUIVE
ENGINEER
No. 38273
LICENSED PROFESSIONAL ENGINEER



PROPOSED PROJECT I.D. SIGN
Not to Scale



LOCATION MAP
SCALE: 1" = 2000'

PRELIMINARY

PUD – SITE UTILITY PLAN
EAGLES ROOST

For: KOETJE BUILDERS AND DEVELOPERS LLC
ATTN: IKE KOETJE
547 BALDWIN STREET
JENISON, MI 49428

In: PART OF THE SE 1/4 OF SECTION 8, T6N, R13W, AND PART OF THE NE 1/4 OF SECTION 17, T6N, R13W GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

REVISIONS:
12/11/15 Rev. per Georgetown Twp.

exxel engineering, inc.
planners · engineers · surveyors
5252 Clyde Park, S.W. • Grand Rapids, MI 49509
Phone: (616) 531-3660 Fax: (616) 531-2121
www.exxelengineering.com

DRAWN BY: dgb
APPROVED BY: TRS
FILE NO.: 141984E
PROJ. ENG.: TRS
PROJ. SURV.: -
DATE: 10/29/2015

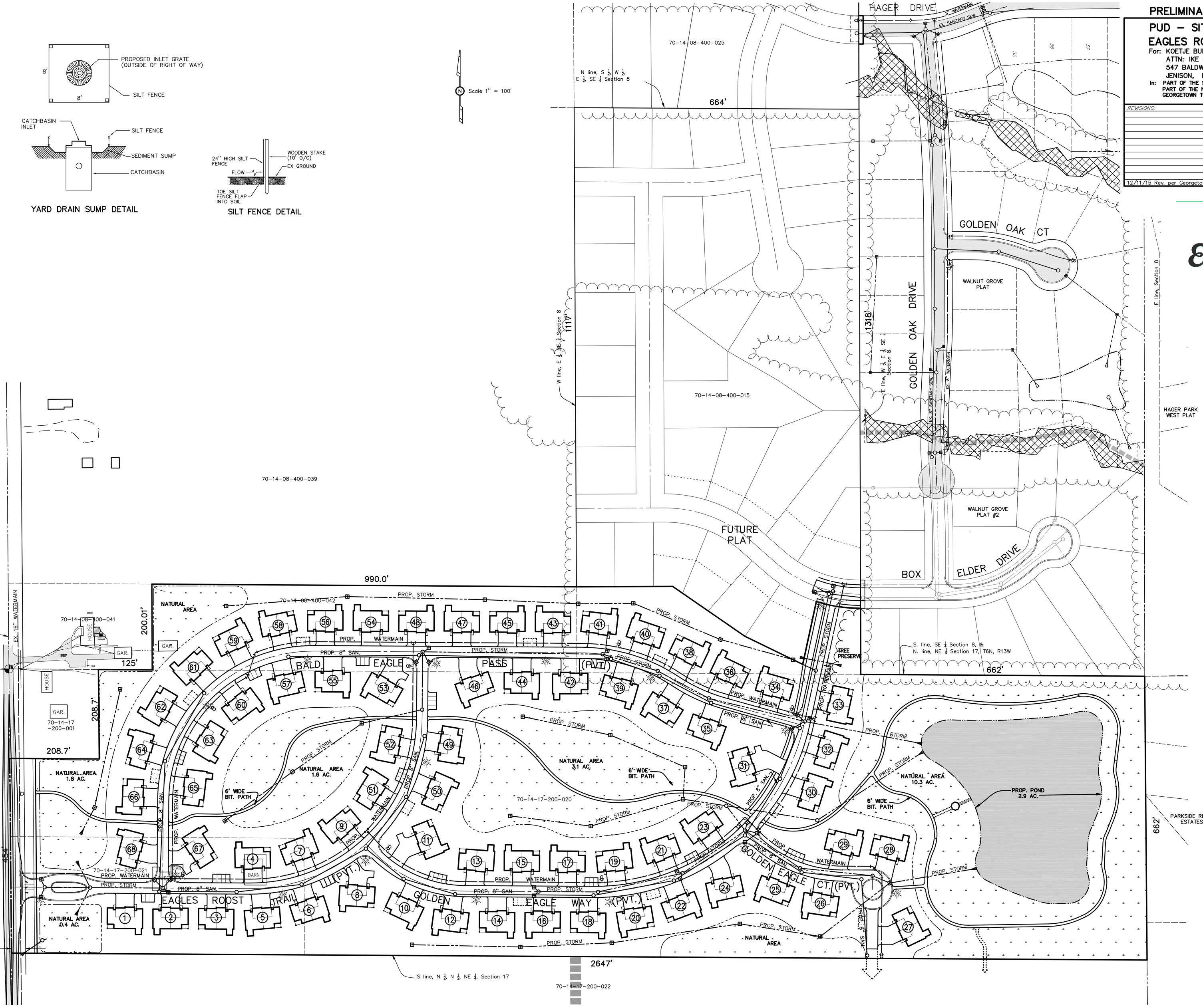
SHEET 2 of 3

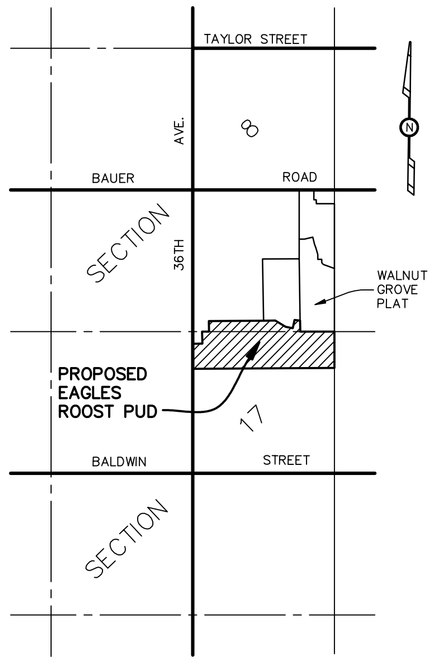
Eagles Roost CONDOMINIUMS

STATE OF MICHIGAN
TODD R. STUIVE
ENGINEER
No. 38273
LICENSED PROFESSIONAL ENGINEER

YARD DRAIN SUMP DETAIL

SILT FENCE DETAIL





LOCATION MAP
SCALE: 1" = 2000'

PRELIMINARY

PUD – SITE GRADING PLAN
EAGLES ROOST

For: KOETJE BUILDERS AND DEVELOPERS LLC
ATTN: IKE KOETJE
547 BALDWIN STREET
JENISON, MI 49428

In: PART OF THE SE 1/4 OF SECTION 8, T6N, R13W, AND PART OF THE NE 1/4 OF SECTION 17, T6N, R13W GEORGETOWN TOWNSHIP, OTTAWA COUNTY, MICHIGAN.

REVISIONS:
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SHEET 3 of 3

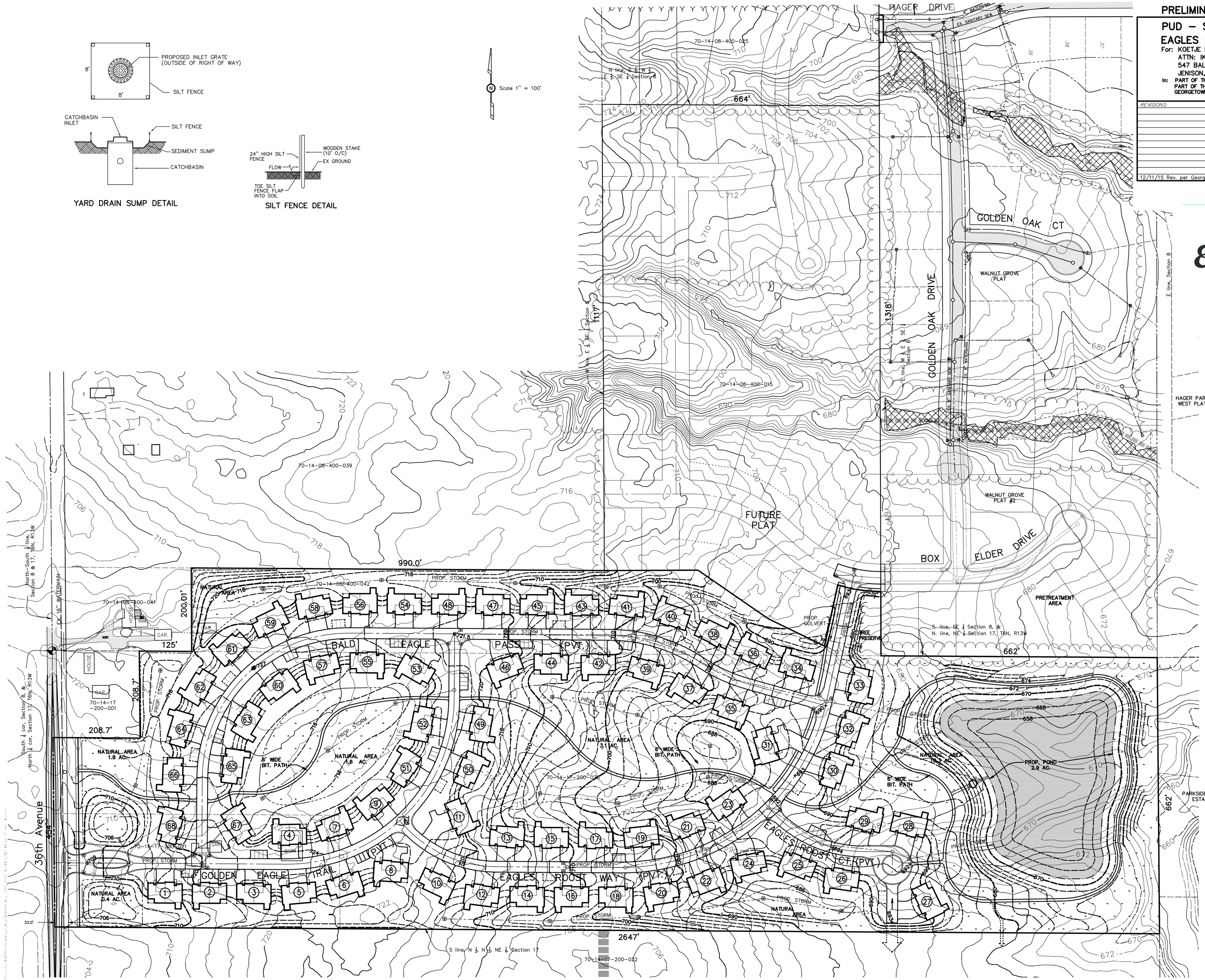
Eagles Roost CONDOMINIUMS

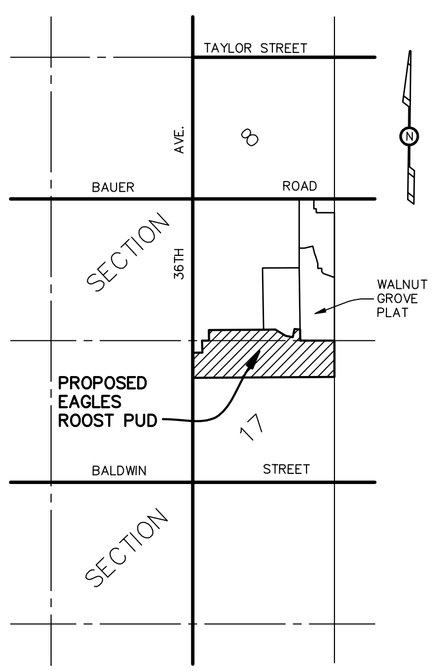
STATE OF MICHIGAN
TODD R. STUIVE
ENGINEER
No. 38273
LICENSED PROFESSIONAL ENGINEER

YARD DRAIN SUMP DETAIL

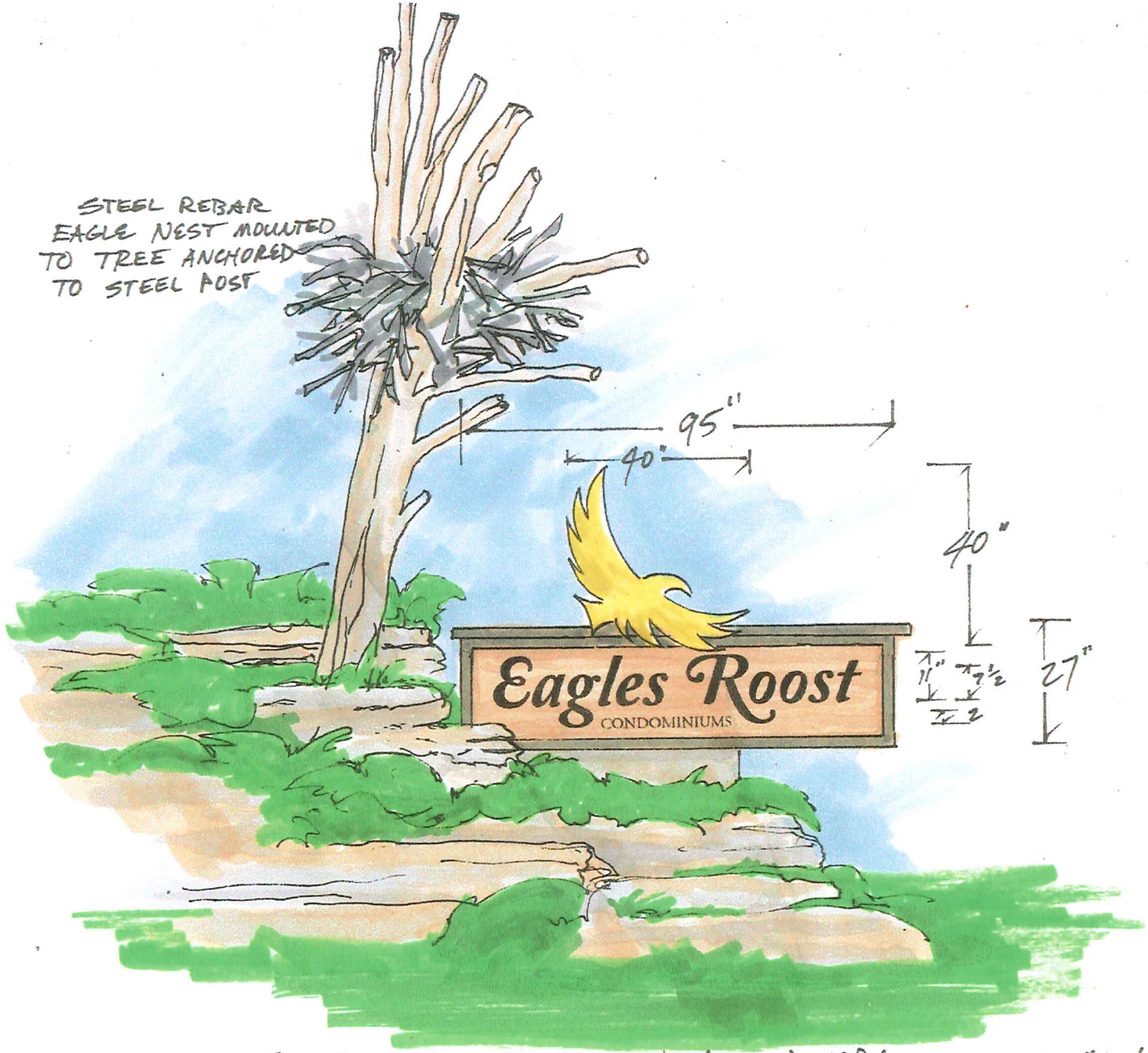
SILT FENCE DETAIL

Scale 1" = 100'





LOCATION MAP
SCALE: 1" = 2000'



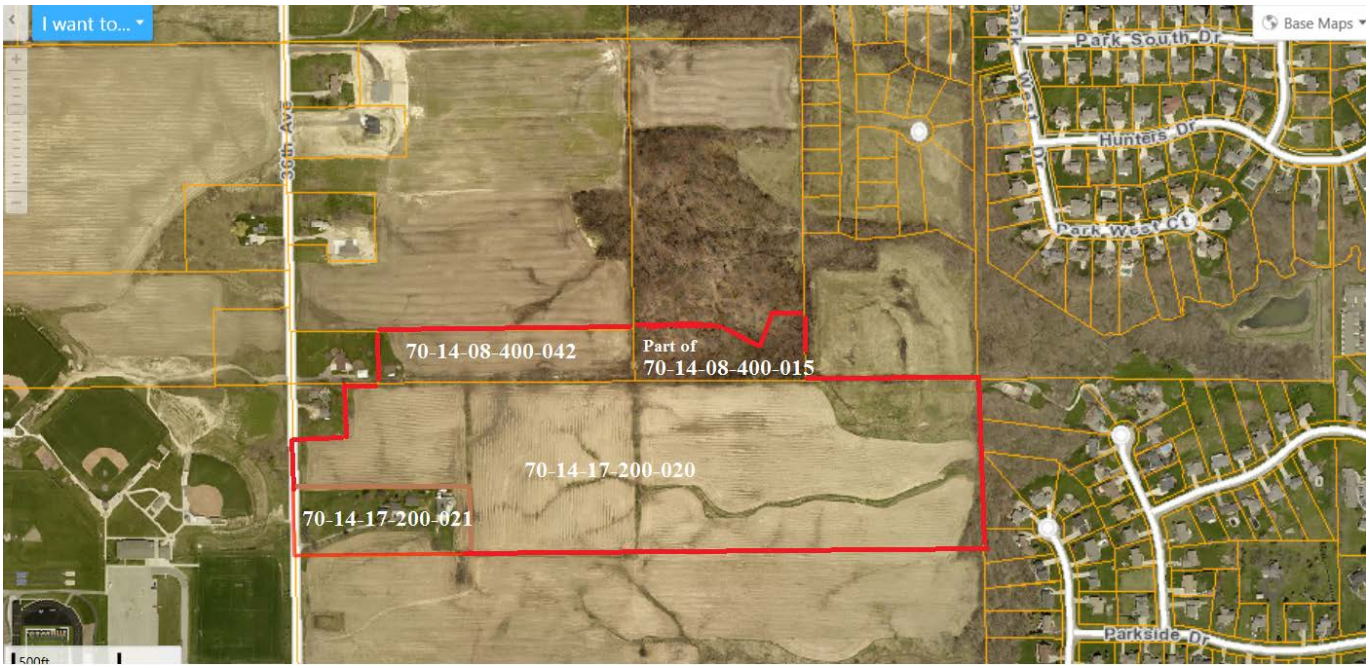
SANDBLASTED CEDAR SIGN W/RAISED COPY & BORDER, ALUMINUM CAP & END TRIM, HDU OR PVC EAGLE. SIGN STRUCTURE MOUNTED TO CONCRETE BASE.

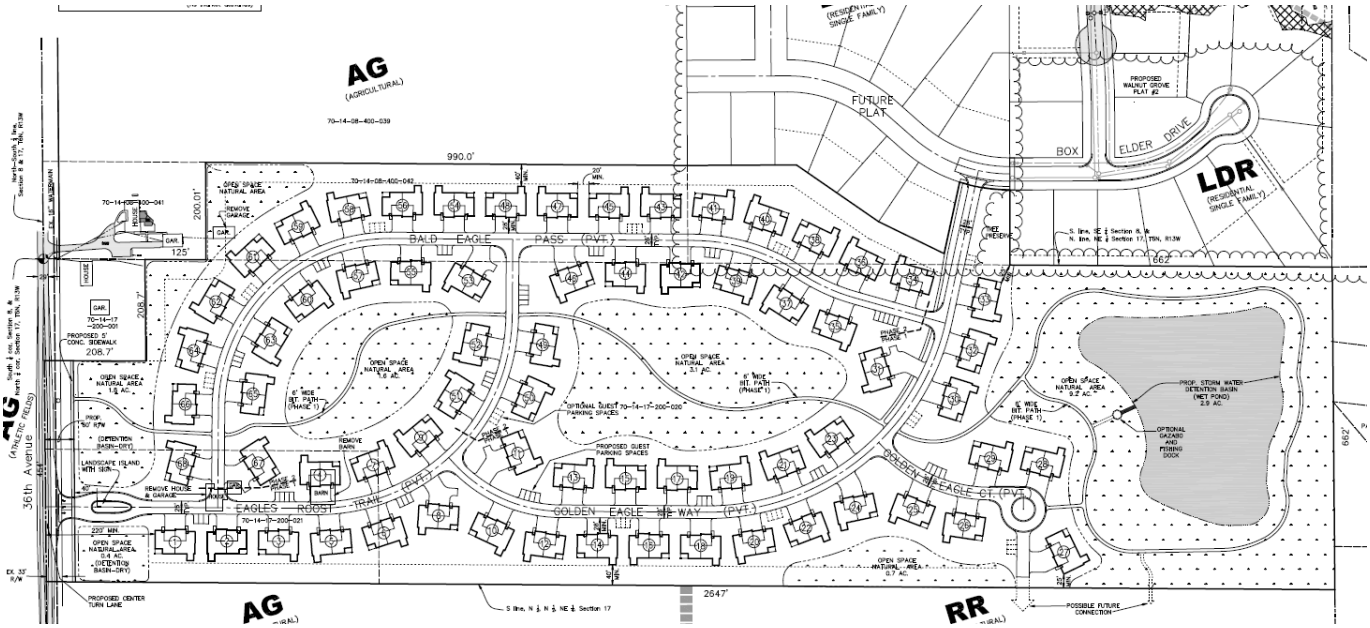
3/8" = 1'0"

R 11/15

REQUEST

(PUD1601) (Ordinance No. 2016-01) Ike Koetje for Eagles Roost Condominiums, 547 Baldwin St., is requesting preliminary planned unit development approval for condominiums, along with various amenities, on parcels of land described as P.P. # 70-14-17-200-020, P.P. # 70-14-17-200-021, P.P. # 70-14-08-400-042 and P.P. # 70-14-08-400-015, located at 7920, 8024 and 8100 36th Ave., Georgetown Township, Ottawa County, Michigan.





DEVIATIONS FROM ORDINANCE REQUIREMENTS

The plan proposes 68 duplexes with a total of 136 units on 45.35 acres. The density of 3 units per acre is consistent with the LDR zoning; however, only single family residences, and not duplexed, are allowed in the LDR district. Therefore, the requested deviation is for the duplex units.

The ordinance requires a minimum distance of 25 feet between contiguous buildings and the proposal is for a minimum of 20 feet. Therefore, the requested deviation is for a minimum of five feet less between contiguous buildings.

The ordinance allows two plat entry signs, each with a maximum height of 3 feet and maximum area of 64 square feet. The proposal is for the sign to encompass a steel rebar tree with eagle's next and for a ground mounted sign approximately 8 feet tall and 8 feet wide.

PROPOSED PROJECT I.D. SIGN
Not to Scale

REVIEW OF THE CONCEPTUAL PLAN AS PER SEC. 22.4:

A pre-application conference was held on Friday, November 20, 2015 at 10:00 a.m. with representatives from Georgetown Township for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.

Sec. 22.2 QUALIFYING CONDITIONS..

Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

A. **Acreage Requirement:** The PUD site shall be not less than ten (10) acres of fully contiguous property not separated by a public road, railroad, or other such associated feature or barrier. If the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be twenty (20) acres. The Planning Commission and Township Board may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. In addition, the Planning Commission and Township Board may use the same intent section of the Zoning Ordinance when considering a PUD with property that may be separated by a public road, railroad, or other such associated feature or barrier. It would be up to the applicant to prove why, for example, a physical barrier (road or railroad) separating the acreage would not restrict the applicant's ability to develop a cohesive PUD.

Met. The site is 45.35 acres.

B. **Utilities:** All PUD's shall be served by public water and sanitary sewer facilities. Stormwater must be coordinated with the county drain commission.

Will be required to be met. This is required to be met and is to be coordinated with the DPW and Drain Commissioner's office. The developer would be responsible to bring the utilities to this site and a Storm Water Drain Permit will be required prior to any construction commencing.

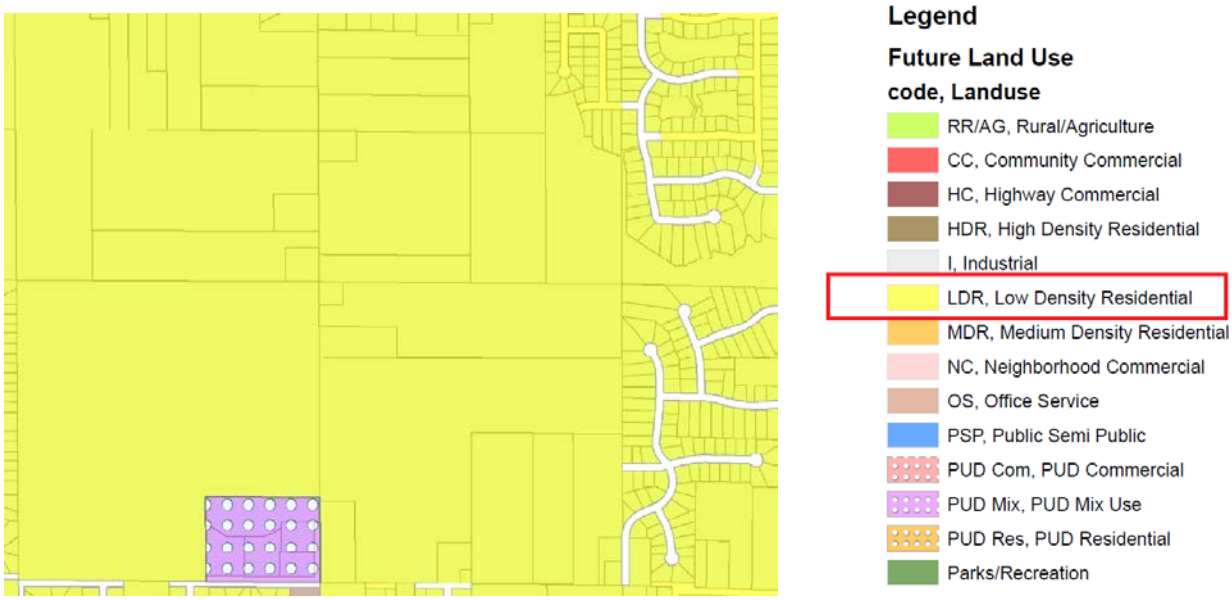
C. **Land Ownership:** The PUD application must be filed by the landowner, jointly by the landowners, or by an agent. If the application is filed by an agent(s) or other interested party, written approval from the landowner(s) must also be filed.

Met. Provided.

D. **Master Plan:** The proposed uses of the PUD must be substantially consistent with Georgetown Township's Master Plan for the subject property.

Met. The proposal appears to be consistent with the text and Future Land Use Map in regard to the uses, the density and the coordinated theme. The Future Land Use Map shows the entire area as LDR. The plan proposes 3 units per acre which is consistent with an overall density of 3 units per acre which meets the intention of page 36 in the Master Plan. The typical building designs that are to encompass a theme as directed in the language of the Master Plan were submitted. Signage also coordinates with the theme.

The following is the Future Land Use Map related to the proposed PUD development.



The Master Plan language states the following:

> General Land Use Policies
>
> Planned Unit Developments and open space clustering are possible development tools that would provide multiple densities of residential, along with possible commercial uses with flexible zoning requirements.
>
> Planned unit developments shall be consistent with the intent of a PUD as listed in the Georgetown Township Zoning Ordinance, including, to encourage innovation in land use and variety in design, to encourage useful open space, and to provide for enhanced site and building architectural features. Such developments shall provide innovation and desirable design elements. Although the intention is not to direct a developer toward any specific details, PUDs with uses other than solely single family residences shall, at a minimum, contain the following elements:

- An overall design theme with common coordinating architectural elements contained in all buildings and structures as well as signs, rooflines, forms and materials;
- A coordinated color scheme and coordinated textures of materials;
- Drive-through elements and stand-alone structures shall have design elements common to principle structures;
- Creative, desirable and useable open space;
- Buildings and structures designed to provide the best or front face to any adjoining public streets.

E. **Pedestrian:** The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties. (In addition, the township has a standalone ordinance covering certain sidewalk requirements)

Met. Interior sidewalks and pedestrian paths are proposed, including connections to the sidewalks on 36th Ave., connections to the north and possible future connections to the south.

E. **Architecture:** The PUD should provide for coordinated and innovative visually appealing architectural styles, building forms and building relationships.

Met. A typical design was provided. Signage also coordinate with the theme.

G. **Traffic:** The PUD must provide for safe and efficient vehicular movements within, into and off of the PUD site. In addition, the PUD should integrate traffic calming techniques, along with suitable parking lot landscape islands and other similar techniques to improve parking lot aesthetics, storm water management, traffic flow and vehicular/pedestrian safety.

Met. A decel lane and left-turn lane will be provided. A condition of approval will be added that at least one of the entrance lanes from 36th Ave. shall be a minimum of 20 feet wide in compliance with the Building Code for fire truck access.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

H. **Open Space Requirements:**

1. The PUD development shall contain **usable** open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e. the PUD may located on a relatively small site in an area where a 20% open space provision would detract from building continuity, historic preservation efforts, etc.)
2. Such open space to be considered usable shall **not include required yards** (required yards need to be individually determined for each PUD project) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, wetlands (unless determined to be useable by the Planning Commission due to the addition of interpretive boardwalks/walkways, etc. provided in and through the wetland) and structures (Unless the structures are part of the open space i.e. gazebos, etc.).

3. **Such open space shall be permanently set aside for the sole benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township**; or, if agreed to by governmental agency, the open space may be conveyed to a governmental agency for the use of the general public.

Met. The plan states that 16.8 acres or 37% of the property is open space, which exceeds the minimum amount required.

Sec. 22.3 PERMITTED USES..

Any use permitted by right or special land use in any District may be approved within a PUD.

Met. The uses are consistent with the Master Plan and the area.

Sec. 22.10 STANDARDS FOR APPROVAL (both preliminary and final).

A PUD shall be approved only if it complies with each of the following standards:

A. The proposed PUD complies with all qualifying conditions of Section 22.2. **Appears to be met.**

B. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development. **Appears to be met.**

C. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community. **Appears to be met.**

D. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning. **Appears to be met.**

E. The proposed PUD meets all the site plan requirements of this Chapter, respective of being either a preliminary or final PUD request (Preliminary PUD's must meet Section 22.5, A and Final PUD's must meet Section 22.8, D.)
Appears to be met.

Sec. 22.5 PUD APPLICATION

A. Preliminary Plan Application Requirements

1. A completed application form and ten (10) copies of a preliminary development plan shall be provided to the Zoning Administrator. The preliminary plan shall contain the following site plan information:

   a. The date, north arrow, and scale. The scale shall be not less than 1"=20' for property ten (10) acres and larger and at least 1"=200' for those 20 acres (20) acres or more.

      PROVIDED.

   b. The name and address of the firm responsible for the preparation of the site plan.

      PROVIDED.

c. The name and address of the property owner(s) and petitioner(s).

PROVIDED.

d. Legal description of the PUD site.

PROVIDED.

e. The size (in acres) of the PUD site.

PROVIDED.

f. Property lines and proposed setbacks, shown and dimensioned.

PROVIDED.

g. A location sketch.

PROVIDED.

h. The location of all existing structures, driveways, and parking areas within 100' of the PUD site's boundaries.

PROVIDED.

i. The location and dimensions of all existing structures on the PUD site.

PROVIDED.

j. The location of all proposed structures on the PUD site. Realizing that this is preliminary, dimensions are not necessary until final approval.

PROVIDED.

k. The location and dimension of proposed lots or ownership divisions.

PROVIDED.

l. The location, pavement width and right-of-way width of all abutting roads, streets, alleys or easements.

PROVIDED.

m. The existing zoning and use of all properties abutting and including the PUD site.

PROVIDED.

n. The location of all existing vegetation and the general location of all proposed landscape areas, berms, landscape islands and buffers, including any fence or wall areas.

PROVIDED.

o. The size and location of existing utilities, including a short narrative note on the site plan pertaining to the PUD's proposed utility needs and concepts.

PROVIDED.

p. The proposed location and estimated size(s) of all surface and subsurface water drainage facilities.

A Storm Water Drain Permit will be required to be submitted from the Ottawa County Drain Commissioner's office.

q. Existing topographic contours at a maximum of five (5) foot intervals. Conceptual topographic patterns for the PUD site shall also be provided, noting major earth moving and/or removal areas (realizing that each building receiving final PUD approval will be required to show actual topographic contours, both existing and proposed).

PROVIDED.

r. Location, type and size of areas to be dedicated for common open space.

PROVIDED.

s. Trash receptacles and method of screening.

PROVIDED.

t. Proposed streets, alleys, curb cuts, acceleration/deceleration lanes, curbed areas, service drives and parking lot locations, including traffic calming concepts, driving surface widths as required by the Ottawa County Road Commission's standards.

PROVIDED.

u. Proposed pedestrian sidewalk movements both within and off the PUD site. Sidewalks are required along all public roadways.

PROVIDED.

v. Proposed lighting concepts/styles and general location areas.

PROVIDED.

w. Proposed architectural style/design concepts that will be incorporated into final approval plans, including both buildings and structures (i.e. - gateways, fence/wall concepts, art work, etc.).

PROVIDED.

x. Proposed setbacks, lot widths, lot areas and building/structure heights.

PROVIDED.

y. Proposed uses to be included in the PUD project.

PROVIDED.

z. Floodplain areas. (Revised 6-27-2005)

PROVIDED.

2. **Narrative Statement:** A narrative statement describing:

a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 22.1.

PROVIDED.

b. The relationship of the PUD to the qualifying conditions listed in Section 22.2.

PROVIDED.

c. Phases of development and approximate time frames for each phase, including anticipated start and completion dates of construction.

PROVIDED.

d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.

PROVIDED.

Sec. 22.11 *PUD AGREEMENT.*

A. Prior to the issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.

B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board.

C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.

D. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.

E. All documents shall be executed and recorded in the office of the Ottawa County Register of Deeds.
A condition of approval for the final development approval: the recorded PUD agreement shall be submitted at the time the first building permit application is submitted to the Township.

OPTION FOR MOTION-Preliminary Development Plan

If the Planning Commission determines that the deviations are acceptable and that the requirements of the ordinance have been met and all other elements of the proposal are acceptable, the following motion is offered. If the Planning Commission determines that more revisions are necessary or more information should be provided, the item could be tabled.

Motion: To adopt the staff report as finding of fact and to recommend to the Township Board to approve the following resolution:

Georgetown Charter Township
Ottawa County, Michigan
(Ordinance No. 2016-01)

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2016, beginning at 7:30 p.m. and after the second public hearing was held, Township Board Member _____ made a motion to adopt this Ordinance, which motion was seconded by Township Board Member _____:

AN AMENDMENT TO THE GEORGETOWN CHARTER TOWNSHIP ZONING ORDINANCE, AS AMENDED, AND MAP

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

ARTICLE 1. The map of the Georgetown Charter Township Zoning Ordinance, as amended, is hereby amended to read as follows:

(PUD1601) (Ordinance No. 2016-01) Ike Koetje for Eagles Roost Condominiums, 547 Baldwin St., to have preliminary planned unit development approval for condominiums, along with various amenities, on parcels of land described as P.P. # 70-14-17-200-020, P.P. # 70-14-17-200-021, P.P. # 70-14-08-400-042 and P.P. # 70-14-08-400-015, located at 7920, 8024 and 8100 36th Ave., Georgetown Township, Ottawa County, Michigan, as shown on the following documents:

1. Application;
2. Narrative and restrictions;
3. Site development plan dated 12/11/2015;
4. Utility plan dated 12/11/2015;
5. Grading plan dated 12/11/2015;
6. Elevation;
7. Sign.

Based on the findings that:

1. The qualifying conditions in Sec. 22.2 are met:
2. The information as per Sec. 22.5 is provided, and
3. The plan meets the ordinance requirements of Sec. 22.10 as follows:
   a. The qualifying conditions in Sec. 22.2 are met;
   b. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development;
   c. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community;
   d. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 22.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning;
   e. The proposed PUD meets all the site plan requirements of Chapter 22 including Section 22.8, D.

f. The deviations, regulatory modification from traditional district requirements, are approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.

And with the following conditions:

1. **The parcels shall be combined prior to any building permit approval.**

2. **As per Sec. 22.2(B), the site will be serviced by public water and sanitary sewer, which is to be coordinated with the Department of Public Works.**

3. **A Storm Water Drain Permit (written approval by the Drain Commissioner's office) shall be submitted to the Township prior to the issuance of any building permits.**

4. **At least one of the entrance lanes from 36th Ave. shall be a minimum of 20 feet wide in compliance with the Building Code for fire truck access.**

5. **As per Sec. 22.11, a PUD agreement shall be submitted. The agreement shall be submitted to the Township prior to the issuance of any building permits.**

Except as expressly modified by the above, the balance of the Zoning Map of the Georgetown Charter Township Zoning Ordinance, as amended, shall remain unchanged and in full force and effect.

ARTICLE 2. Severability. In the event that any one or more sections, provisions, phrases, or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or other words of this Ordinance.

ARTICLE 3. Except as specified above, the balance of the Georgetown Charter Township Zoning Ordinance, as amended, and map shall remain unchanged and in full force and effect.

ARTICLE 4. Effective Date. The provisions of this Ordinance shall take effect upon the expiration of seven (7) days from the date of publication of this Ordinance or a summary of its provisions in accordance with the law.

The vote in favor of adopting this Ordinance was as follows:

Yeas:
Nays:
Absent:

MOTION CARRIED UNANIMOUSLY AND ORDINANCE DECLARED ADOPTED.

CERTIFICATION

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

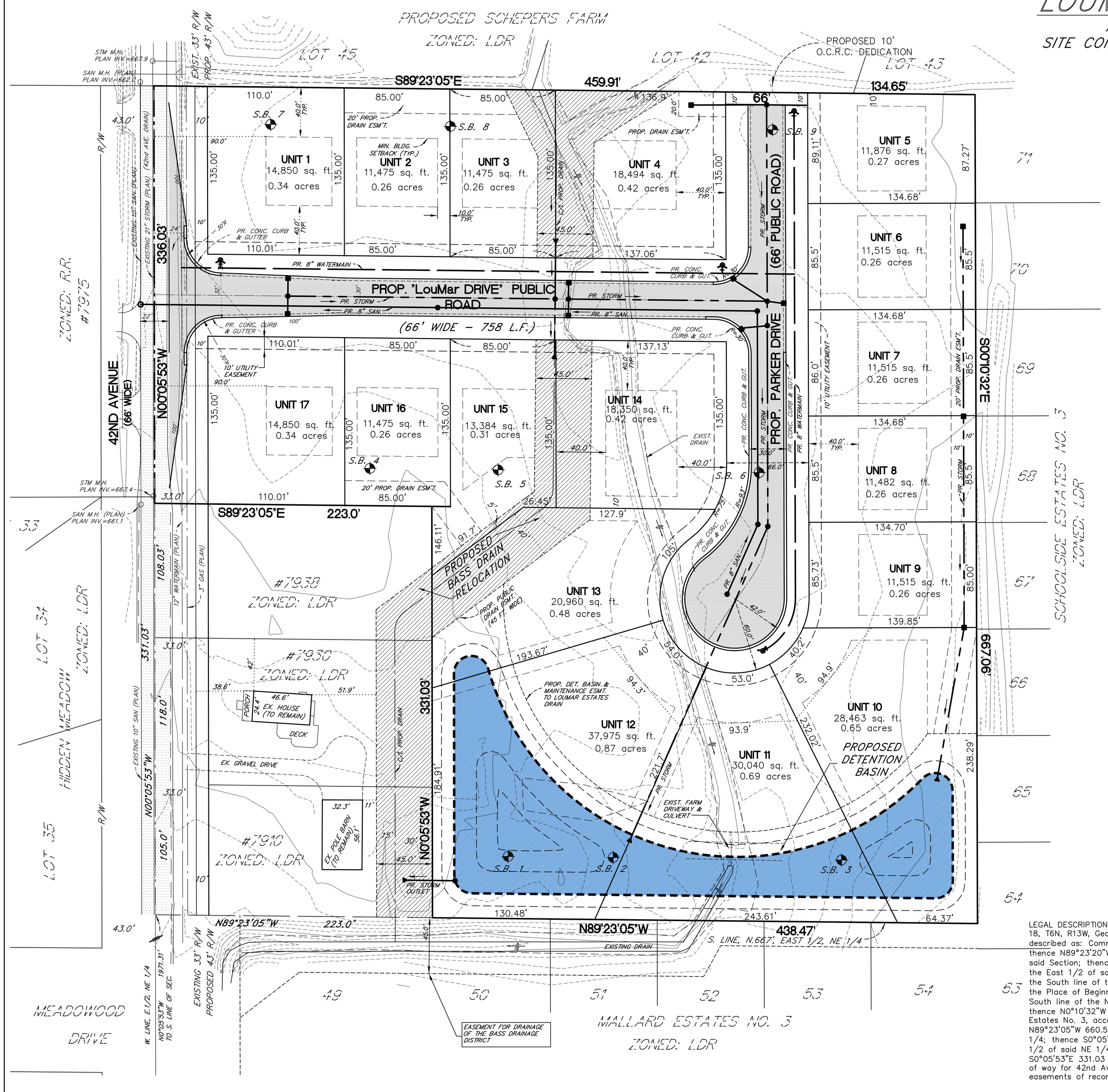
Respectfully submitted,

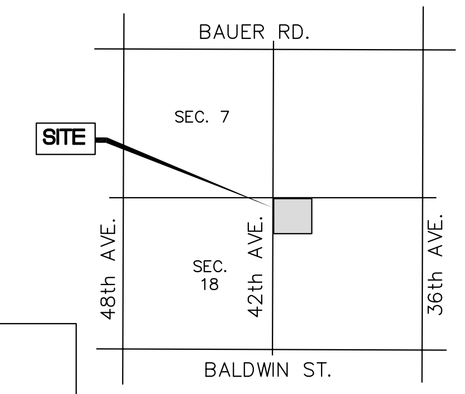
Dated: _____, 2016

By _____
Richard VanderKlok
Georgetown Charter Township Clerk

LOUMAR ESTATES

A SINGLE FAMILY SITE CONDOMINIUM DEVELOPMENT





LOCATION MAP
NOT TO SCALE

BENCHMARK: EL.=674.45
MEADOWOOD DR. & 42nd AVE.
34'E & 740'N OF C/L "X"
NAIL W. SIDE P.POLE (1.6' A.G.)

SITE PLAN NOTES

1. PROJECT STATISTICS:
- 17 UNITS
- TOTAL ACREAGE IS 8.43
- DENSITY 2.02 UNITS/ACRE
- MINIMUM LOT AREA IS 11,475 SQ. FT.
- MINIMUM FRONTAGE IS 85 FEET.

2. PARCEL IDENTIFICATION
- ADDRESS: 7976 - 42nd AVENUE
- PPN: 70-14-18-200-054
- LEGAL DESCRIPTION SEE BELOW

3. THIS PROJECT WILL BE SERVED BY PUBLIC SEWER AND WATER PER THE REQUIREMENTS OF GEORGETOWN TWP.

4. A 10 FOOT PUBLIC UTILITY EASEMENT ALONG ROAD R.O.W. IS PLANNED

5. THE PROPOSED ROADWAY WILL BE PUBLIC IN ACCORDANCE WITH THE REQUIREMENTS OF THE OTTAWA CO. ROAD COMMISSION ROAD LENGTH TOTALS 758 FEET. A VARIANCE IS REQUIRED FROM GEORGETOWN TOWNSHIP'S ZONING REGULATION LIMITING THE LENGTH OF A CUL-DE-SAC TO 600 FEET. IT IS ALSO PROPOSED TO DEDICATE AN ADDITIONAL 10' OF R/W ALONG 42ND TO THE OCRC.

6. STORM WATER FACILITIES SHALL BE PROVIDED IN ACCORDANCE THE REQUIREMENTS OF THE OTTAWA CO. WATER RESOURCES COMMISSION. ALL STORM DRAINAGE EASEMENTS WILL BE GRANTED TO THE LOUMAR ESTATES DRAINAGE DISTRICT.

7. ALL UNITS ARE FOR SINGLE FAMILY RESIDENTIAL STRUCTURES.

8. THE OWNERS OF UNITS 10 - 13 SHALL MAINTAIN THE FAR SIDE OF THE DETENTION BASIN WITHIN THEIR UNIT

9. SIDEWALKS SHALL BE INSTALLED ALONG THE FRONTAGE OF A UNIT AT THE TIME THE HOUSE FOR THAT UNIT IS CONSTRUCTED. SIDEWALKS SHALL BE INSTALLED ALONG 42nd AVENUE ON UNITS 1 AND 17.

10. THE SITE IS NOT EFFECTED BY A REGULATED 100-YEAR FLOODPLAIN.

11. EACH HOME SHALL HAVE AN ATTACHED 400 S.F. GARAGE.

12. UNITS 1 & 17 SHALL NOT HAVE DRIVEWAY ACCESS TO 42nd AVENUE.

ZONING REQUIREMENTS

CURRENT ZONING:	LDR RESIDENTIAL
MINIMUM LOT AREA	11,475 SQ. FT.
MINIMUM LOT WIDTH	85 FEET
MINIMUM LOT WIDTH (CORNER)	110 FEET
MINIMUM LOT DEPTH	125 FEET
SETBACKS:	
FRONT YARD*	40 FEET
SIDE YARD	10 FEET
REAR YARD	40 FEET

* FRONT YARD ON 42nd AVE. IS 90 FEET FROM THE C/L OF THE ROAD

UNIT AREA SUMMARY

UNIT	AREA (SF)	UNIT	AREA (S.F.)
1	14,850	9	11,515
2	11,475	10	28,463
3	11,475	11	30,040
4	18,494	12	37,975
5	11,876	13	20,960
6	11,515	14	18,350
7	11,515	15	13,384
8	11,482	16	11,475
		17	14,850

LEGEND

- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATER SERVICE
- PROPOSED SANITARY SERVICE
- SURFACE DRAINAGE
- PIPE FLOW
- EXISTING BIT. PAVEMENT
- PROPOSED BIT PAVEMENT

LEGAL DESCRIPTION: Part of the East 1/2 of the NE 1/4 of Section 18, T6N, R13W, Georgetown Township, Ottawa County, Michigan, described as: Commencing at the East 1/4 corner of said Section; thence N89°23'20"W 1328.11 feet along the East-West 1/4 line of said Section; thence N0°05'53"W 1971.31 feet along the West line of the East 1/2 of said NE 1/4; thence S89°23'05"E 223.0 feet along the South line of the North 667.0 feet of said East 1/2, NE 1/4 to the Place of Beginning; thence S89°23'05"E 438.47 feet along the South line of the North 667.0 feet of the East 1/2 of said NE 1/4; thence N0°10'32"W 667.06 feet along the West line of Schoolside Estates No. 3, according to the recorded plat thereof; thence N89°23'05"W 660.56 feet along the North line of said East 1/2, NE 1/4; thence S0°05'53"E 336.03 feet along the West line of the East 1/2 of said NE 1/4; thence S89°23'05"E 223.0 feet; thence S0°05'53"E 331.03 feet to the Place of Beginning. Subject to right of way for 42nd Avenue over the West 33.0 feet, also subject to easements of record.

REVISIONS:
4-4-14 OCRC Review
4-8-14
1-6-16 Resubmit to Twp.

DRAWN BY: PGH	
APPROVED BY: KR	
DATE: 01-10-2014	
REVISIONS: 2-20-2014	
2-24-2014	
3-6-2014 Per TWP. Review	
3-17-14 Per Twp. Review	

SERVING THE NEEDS OF OUR CLIENTS SINCE 1987

Roosien & Associates
SURVEYING AND ENGINEERING
5055 PLAINFIELD AVE. NE
GRAND RAPIDS, MI 49525
TELE (616) 361-7320
FAX (616) 361-1822

PRELIMINARY SITE PLAN FOR PROPOSED SITE CONDOMINIUMS
PT. NE 1/4, SECTION 18, T6N, R13W
GEORGETOWN TOWNSHIP, OTTAWA CO., MI.

CLIENT:
BOB MUUSSE
2870 PARKSIDE
HUDSONVILLE, MI 49428
616-836-5303

PROJECT NO. 131146P1

SHEET 1 of 2

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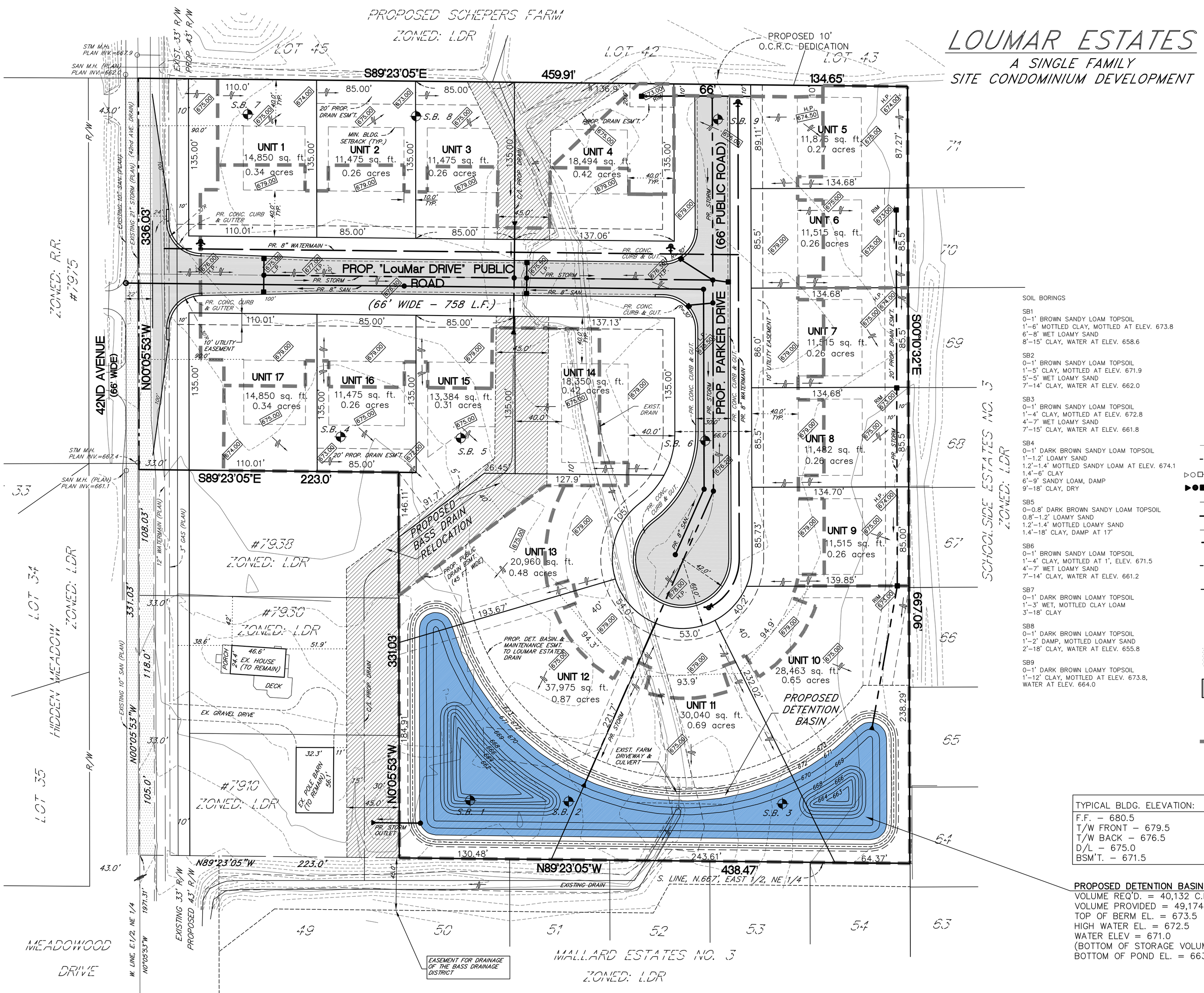
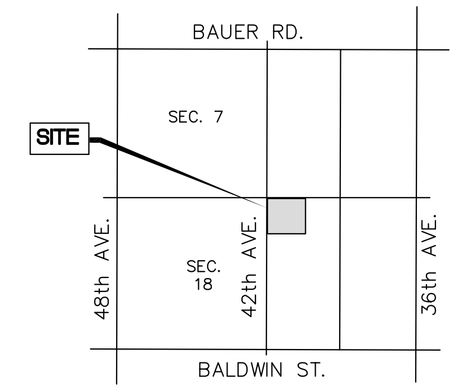
LOUMAR ESTATES

A SINGLE FAMILY SITE CONDOMINIUM DEVELOPMENT





LOCATION MAP
NOT TO SCALE

SOIL BORINGS

SB1
0–1' BROWN SANDY LOAM TOPSOIL
1'–6' MOTTLED CLAY, MOTTLED AT ELEV. 673.8
6'–8' WET LOAMY SAND
8'–15' CLAY, WATER AT ELEV. 658.6

SB2
0–1' BROWN SANDY LOAM TOPSOIL
1'–5' CLAY, MOTTLED AT ELEV. 671.9
5'–5' WET LOAMY SAND
7'–14' CLAY, WATER AT ELEV. 662.0

SB3
0–1' BROWN SANDY LOAM TOPSOIL
1'–4' CLAY, MOTTLED AT ELEV. 672.8
4'–7' WET LOAMY SAND
7'–15' CLAY, WATER AT ELEV. 661.8

SB4
0–1' DARK BROWN SANDY LOAM TOPSOIL
1'–1.2' LOAMY SAND
1.2'–1.4' MOTTLED SANDY LOAM AT ELEV. 674.1
1.4'–6' CLAY
6'–9' SANDY LOAM, DAMP
9'–18' CLAY, DRY

SB5
0–0.8' DARK BROWN SANDY LOAM TOPSOIL
0.8'–1.2' LOAMY SAND
1.2'–1.4' MOTTLED LOAMY SAND
1.4'–18' CLAY, DAMP AT 17'

SB6
0–1' BROWN SANDY LOAM TOPSOIL
1'–4' CLAY, MOTTLED AT 1', ELEV. 671.5
4'–7' WET LOAMY SAND
7'–14' CLAY, WATER AT ELEV. 661.2

SB7
0–1' DARK BROWN LOAMY TOPSOIL
1'–3' WET, MOTTLED CLAY LOAM
3'–18' CLAY

SB8
0–1' DARK BROWN LOAMY TOPSOIL
1'–2' DAMP, MOTTLED LOAMY SAND
2'–18' CLAY, WATER AT ELEV. 655.8

SB9
0–1' DARK BROWN LOAMY TOPSOIL
1'–12' CLAY, MOTTLED AT ELEV. 673.8, WATER AT ELEV. 664.0

LEGEND

- EXISTING CONTOUR LINE
- PROPOSED CONTOUR LINE
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- EXISTING WATERMAIN
- PROPOSED WATERMAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- PROPOSED WATER SERVICE
- PROPOSED SANITARY SERVICE
- SURFACE DRAINAGE
- PIPE FLOW DIRECTION
- EXISTING BIT. PAVEMENT
- PROPOSED BIT PAVEMENT
- PROPOSED SPOT ELEVATION
- DRAINAGE BOUNDARY LINE

TYPICAL BLDG. ELEVATION:
F.F. – 680.5
T/W FRONT – 679.5
T/W BACK – 676.5
D/L – 675.0
BSM'T. – 671.5

PROPOSED DETENTION BASIN
VOLUME REQ'D. = 40,132 C.F.
VOLUME PROVIDED = 49,174 C.F.
TOP OF BERM EL. = 673.5
HIGH WATER EL. = 672.5
WATER ELEV = 671.0
(BOTTOM OF STORAGE VOLUME)
BOTTOM OF POND EL. = 663.0

GRAPHIC SCALE
40' 0 20' 40'
(IN FEET)
1 inch = 40 ft.

REVISIONS:
4–4–14 PER OCRC Review
4–8–14
1–6–16 Resubmit to Twp.
2–24–2014
3–6–2014 Per TWP Review
3–17–2014 Per TWP Review

DRAWN BY: PGH
APPROVED BY: KR
DATE: 01–10–2014
REVISIONS: 2–20–2014

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PRELIM. GRADING + DRAINAGE PLAN
PROPOSED SITE CONDOMINIUMS
SECTION 18, T6N, R13W
GEORGETOWN TOWNSHIP, OTTAWA CO., MI.

CLIENT:
BOB MUUSSE
2870 PARKSIDE
HUDSONVILLE, MI 49428
616-836-5303

PROJECT NO.
131146P2

SHEET
2 of 2

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REQUEST

(ST1601) Muusse Site Condo Development, P.P. # 70-14-18-200-054, located at 7976 42nd Ave. **The request is for site plan approval for a site condo development for 17 lots in the LDR district.** Public water and sanitary sewer are proposed to be provided.

HISTORY

The Planning Commission approved the site plan for the project with conditions on April 16, 2014 and the Township Board approved the variance for the street length, along with conditions, on April 28, 2014. Due to the stipulation in Sec. 19.5(E), the site plan became null and void on April 16, 2015 because no construction had commenced within one year.

SPECIAL CIRCUMSTANCES

A variance is no longer needed for the length of the cul-de-sac based on the revision of the language in Sec. 50-51(3)(c) in the Code of Ordinances allowing a cul de sac to be a maximum of 800 feet. The cul de sac is proposed to be 758 feet.

Initially in 2014 the application had been submitted as a plat and the review was conducted for the development as a plat, which encompasses three approval steps including preliminary plat, final preliminary plat and final plat. Several documents are required to be submitted for each step and the initial review for a preliminary plat only includes the elements that are required for a preliminary plat (since there would be future applications with the remaining elements).

This platting process includes initial review by the Planning Commission, who makes a recommendation to the Township Board. Then the Township Board takes action on the preliminary plat and subsequently on the final preliminary plat and final plat. As long as the proposal meets all general and zoning ordinances, and all applicable materials have been satisfactorily submitted for each step (including Road and Water Resources Commission approvals, lot inspection fees, information with lowest building openings for each lot, and any other miscellaneous elements needed), the Township Board would approve the plat.

This application is for site plan review for a site condo development which is allowed under Sec. 19.19.2(C). For all intents and purposes the development is, in fact, a plat or subdivision without the applicant going through the plat approval process resulting in the fact that the development would not be subject to all the elements required for a plat.

As per Sec. 19.2, the Planning Commission is the approving authority for a site plan for a site condo development. The site plan process is final with Planning Commission approval, as per Sec. 19.5(B) in the Georgetown Township Zoning Ordinance, and a site plan application is not reviewed or acted upon by the Township Board.

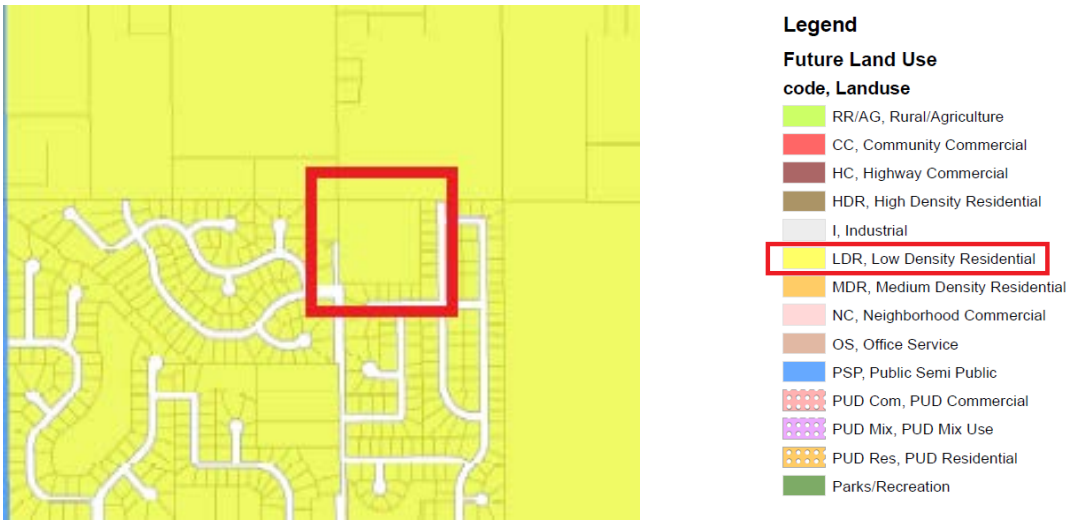
This raises concerns dealing with the Planning Commission's authority to require certain other elements from the developer that would have been required to be submitted or accomplished with the platting process such as the following:

1. **Approval from the Ottawa County Road Commission.**
2. **Approval from the Ottawa County Water Resources Commission (Drain Commission).**
3. **Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system.**
4. **Lot inspection fees for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities.**
5. **Responsibility for streetlights and sidewalks.**
6. **List containing the lowest building openings for each lot as recorded with the Water Resources Commission.**

Nevertheless, the development is still subject to the standards and stipulations of all general ordinances as well as zoning ordinances.

MASTER PLAN

The proposed use is allowed in the LDR district. The Future Land Use Map designates the area as LDR; therefore, the proposed use is consistent with the Master Plan.



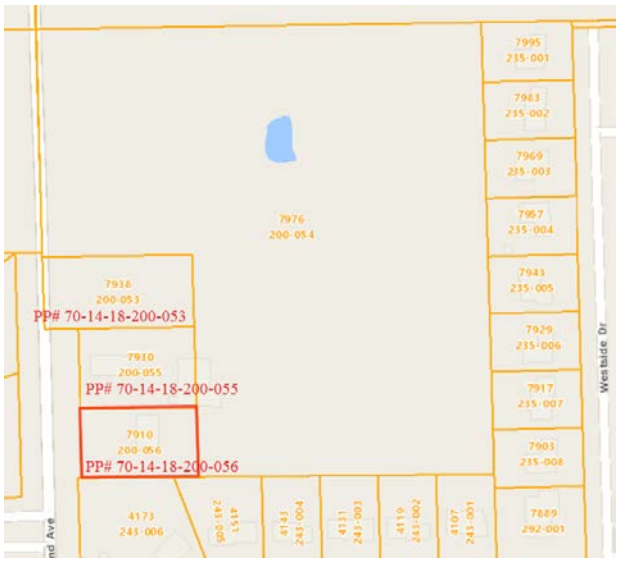
SUMMARY

a. The layout for the development was designed with the addition of the stub street to the north. All lots meet minimum lot width and area requirements. The building envelopes appear to meet setback requirements, but will be reviewed for exactness at the time a building permit application is submitted for each lot. The correct front yard setback is shown for the front yards that abut 42nd Ave. on lots 1 and 17.

   Some of the lots are affected by the proposed drain relocation, especially lots 3, 4, 13 and 14. In addition, lots 10, 11, 12 and 13 are affected by the proposed detention basin. Therefore, the area on these lots may be limited for the building envelope for the principal structure and for the area where accessory structures and uses are allowed to be located (swimming pools, accessory buildings, etc.). Lots 4, 13 and 14 have very little rear yard that is outside of the proposed drain relocation and lots 10,11, 12 and 13 have very little rear yard outside of the proposed detention basin. Therefore, the property owners of these lot will have very little area in the rear yard for any accessory structures or uses. The minutes should note that these situation were **self-created by the developer** and, therefore, **would not meet the standards necessary for a variance to be granted** if ever sought by the property owners of these lots for relief from ordinances regulating accessory buildings and uses. **The developer should note these situations in some type of restrictive covenants in order to inform potential homeowners. These restrictive covenants could be provided to the Township for verification. In addition, a note was added to the plan indicating that the individual property owners of lots 10, 11, 12 and 13 are required to maintain the far side of the proposed detention basin and lots 1 and 2 shall not have driveway access to 42nd Ave.**

b. Signed sidewalk and streetlight petitions were provided. A note on the plan states that sidewalks will be constructed along the frontage of a unit at the time a house is constructed and sidewalk will provided along 42nd Ave. for lots 1 and 17. **A previous condition of approval had been added that the developer install sidewalks as per Township specifications adjacent to 42nd Ave. (for the three parcels which were split off from the parent parcel, identified as parcel) prior to the issuance of any building permits for construction within the development.**

The developer has since split that property into three parcels and sold them. For -053 and -056, signed forms had been submitted stating that sidewalks will be installed. Provide the same form for -055.



> **Sec. 10-216. Construction by land owner; sidewalk locations.**
> The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paths, pursuant to township sidewalk and/or non-motorized path specifications, in any area of the township it deems reasonably necessary in order to protect the health, safety or welfare of the residents of the township. Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments given site plan or planned unit development approval after June 1, 2000.

c. Sec. 19.4(N) requires that the developer provide the size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems. With the normal platting process, that would be provided with a future step for final plat approval. However, since there will be no future steps, a condition of approval should be added that the developer submits to the Township as-built plans for all water and sewer installations in the development which shall become the sole property of the Township.

Further, Sec. 50-76 in the Code of Ordinances requires that the installation of the street, utilities and water and sanitary sewer systems shall conform to Township specifications and this section gives the Township the right to inspect this installation. As part of the platting process at the final preliminary approval step, the developer is required to submit a $50 fee for the inspection of each lot in the plat. A condition of approval should be further stipulated that the developer provide the total fee (17 lots X $50 each) of $850 prior to commencing construction of the development.

Sec. 50-77. (c) The proprietor shall submit to the township, with the final plat, as-built plans for all water and sewer installations in the plat, which shall become the sole property of the township.
Sec. 50-76. (b) During the construction of the improvements for the installation of the streets and highways, utilities, water and sanitary sewer supply systems, the township shall have the right to inspect such construction and installation to ascertain whether or not such construction complies with the plans and specifications, as filed with the preliminary plat to obtain approval, and whether or not such construction conforms, with the required plans and specifications as set forth in the conditions for approval of the final plat. If it is ascertained that the construction does not conform with such requirements, the township zoning administrator shall have the right to notify the proprietor that the actual construction does not conform to the specifications of the township, and shall give written notice to the proprietor that the final plat will not be approved unless the construction is made to conform with the required specifications and drawings.

d. Sec. 19.4(O) requires that the location and size of all surface water drainage facilities are provided. Since approval is required to be provided from the Ottawa County Water Resources Commission (Drain Commission) for the platting process at the final preliminary development step, a condition of approval should be added requiring this.

e. A list of the lowest building opening for each lot as recorded with the Ottawa County Water Resources Commission shall be provided.

f. A note on the site plan indicates that all houses will have a minimum 400 square foot attached garage.

OPTION FOR MOTION

If the Planning Commission determines that the standards of the ordinance have been met, the following motion is available.

Motion: **To adopt the staff report as finding of fact and to approve the site plan for (ST1601) Loumar (Muusse) Site Condo Development**, P.P. # 70-14-18-200-054, located at 7976 42nd Ave. **for a site condo development for 17 lots in the LDR district, as shown on the site plan dated 1/6/16.**

a. Based on the findings that if the conditions of approval are attached, the applicable standards of the ordinance will be met.
b. The conditions of approval shall all be satisfied prior to the issuance of any building permit for any construction within the development.
c. Sidewalks shall be installed as per the Township Sidewalk Ordinance (a Sidewalk Compliance Letter was signed by the applicant and submitted to the Township).
d. Sidewalks had previously been required to be installed by the developer adjacent to 42nd Ave. along the three parcels which were split off from the parent parcel (owned by the developer) prior to the issuance of any building permits for construction within the development. The developer has since sold them. For -053 and -056, signed forms had been submitted stating that sidewalks will be installed. If there is a form, it shall be provide for -055.
e. The developer shall be financially responsible for the streetlights in the same manner that a developer of a plat is responsible for streetlights (a signed street light petition was signed by the applicant and submitted to the Township).
f. An approval letter shall be obtained and submitted from the Ottawa County Road Commission.

g. **An approval letter shall be obtained and submitted from the Ottawa County Water Resources Commission.**
h. **Engineered drawings for the Township Department of Public Works showing connections to the water supply system and the sewer system shall be submitted. As-built plans for all water and sewer installations in the development shall be submitted and become the sole property of the Township.**
i. **Lot inspection fees shall be submitted for the Township Department of Public Works inspectors to inspect each lot to determine correct connections to utilities (17 lots X $50 per lot = $850.00). Each lot shall be inspected.**
j. **A list containing the lowest building openings for each lot as recorded with the Water Resources Commission shall be submitted.**
k. Some of the lots are affected by the proposed drain relocation, especially lots 3, 4, 13 and 14. In addition, lots 10, 11, 12 and 13 are affected by the proposed detention basin. Therefore, the area on these lots may be limited for the building envelope for the principal structure and for the area where accessory structures and uses are allowed to be located (swimming pools, accessory buildings, etc.). Lots 4, 13 and 14 have very little rear yard that is outside of the proposed drain relocation and lots 10,11, 12 and 13 have very little rear yard outside of the proposed detention basin. Therefore, the property owners of these lot will have very little area in the rear yard for any accessory structures or uses. The minutes should note that these situation were **self-created by the developer** and, therefore, **would not meet the standards necessary for a variance to be granted** if ever sought by the property owners of these lots for relief from ordinances regulating accessory buildings and uses. **A covenant, deed restriction, or similar legal instrument shall be submitted restricting the use of property on lots 3, 4, 13, 14 due to the drain relocation, and lots 10, 11, 12, 13 due to the detention basin, and that the individual property owners of lots 10, 11, 12 and 13 are required to maintain the far side of the proposed detention basin and that lots 1 and 17 shall not have driveway access to 42nd Ave.**
l. **All houses shall have a minimum 400 square foot attached garage.**
m. **All fees, including deferred assessments, shall be paid prior to the issuance of any building permits for construction within the site condo development.**
n. **The developer shall be responsible to pay any costs associated with the Township Attorney reviewing the Master Deed prior to the issuance of any building permit for construction within the development**

The following documents compliance with Township ordinances:

I D number	ST1601	Date	1/6/2016
Name	Muusse Site Condo		
Address			
Use	Site Condo	SUP required	NA

REQUIREMENT	PROVIDED	Needs or Comments
Date, north arrow, scale	X	
Name, address of preparer	X	
Name, address of property owner or petitioner	X	
Location sketch	X	
Legal description	X	
Size in acres of the property	X	
Property lines and required setbacks shown and dimensioned	X	a. setbacks
Location of existing structures, drives, parking areas within 100 ft of boundary	X	
Location and dimensions of existing and proposed structures	X	
Location of existing and proposed drives (dimensions and radii), circulation	X	
Sidewalks, non-motorized paths- select streets, accel, decel lanes	X	b. provide
Signs, exterior lighting	X	
Curbing, parking areas, dimensions of typical space, number of parking spaces	X	
Calculations of parking spaces, unloading areas	X	
Location, pavement width, ROW of all abutting roads, easements	X	
Existing zoning, and zoning and use of abutting property	X	
Location of existing vegetation- parkway association	X	
Location, type, size of proposed landscaping, streetscape, greenbelt	X	
Location, height, type of existing and proposed fences and walls	X	
Size, location of proposed, existing utilities, connections to water/sewer		c. provide
Location, size of surface water drainage facilities		d. provide
Existing, proposed topo contours, max 5 ft intervals	X	
Rec/common areas, floodplain areas		e. opening
Special Use Standards, general and specific	NA	
Residential development extra requirements-attached garages	required	f. noted

To: Planning Commission
From: Mannette Minier
Date: December 9, 2015
RE: Proposed ZO Changes for **Commercial Uses**

Chapter 17 – I - INDUSTRIAL.

Sec. 17.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

(A) 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) Lumber and wood products including millwork, prefabricated structural wood products and containers, not including logging camps or outdoor storage.
- (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, photographics, and similar instruments.
- (10) Jewelry, silverware, toys, athletic, office and tobacco goods, musical instruments, signs and displays, lampshades, and similar products.

(B) Wholesale establishments including automotive equipment, drugs, chemicals, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and furnishings, and lumber and building products, not including outdoor storage.

(C) Warehouses, cartage businesses.

(D) Laboratories including experimental, film and testing.

(E) Trade or industrial schools and veterinary hospitals or clinics **or kennels**.

(F) Motor freight terminals and distribution centers including garaging and maintenance of equipment. Freight forwarding, packing, and crating services.

(G) Central dry-cleaning plant.

(H) Municipal buildings, public service buildings.

(I) Electricity regulating substation, and pressure control station for gas, water and sewage.

(J) Office buildings for any of the following: executive, administrative, professional, accounting, clerical or stenographic, and drafting.

(K) Accessory buildings and uses customarily incidental of the above permitted uses as defined in Chapter II.

(L) Private non-commercial recreation. (moved from 17.3)

(M) Vehicle repair establishments. (moved from 17.3)

(N) Restaurants or other eating or drinking establishments which provide food or drink on the premises, ~~not~~ including drive-in establishments. (moved from 17.3 and deleted "not" to allow drive-ins.)

(O) **Contractor's yards, building materials storage.** (**moved from 17.3**)

(P) Tool and die, metal working (but no metal stamping) and stone, clay, glass, concrete, brick, pottery, abrasives, tile and related products. (moved from 17.3)

(Q) Retail sales fronting on a major street with no outdoor sales or display. (moved from Sec. 17.3)

(R) Contractor/showroom (where, in general, the contractor installs the product)(revised 6-8-09) (moved from Sec. 17.3)

(S) Health and physical fitness salons, indoor sports, gymnastics and dance studios. (revised 5/23/11) (moved from 17.3)

(T) Mini-storage garages. (revised 8/22/2011) (moved from 17.3)

(U) Commercial enterprises producing merchandise on the premises to be sold at retail and/or wholesale. (moved from 15.3 CS with SUP to CS and HS by right)

Sec. 17.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

(A) Waste treatment facilities.

(B) Water supply and treatment facilities.

(C) Waste disposal facilities, including incinerators and sanitary landfills.

~~**(D) Private non-commercial recreation.**~~ **(Moved to Sec. 17.2)**

(E) Airports and Landing fields.

(F) ~~**Vehicle repair establishments**~~**. (Moved to Sec. 17.2)**

(G) ~~**Restaurants or other eating or drinking establishments which provide food or drink on the premises, not including drive-in establishments**~~. **(Moved to Sec. 17.2)**

~~(H) **Contractor's yards, building materials storage.**~~ **(Moved to Sec. 17.2)**

(I) Commercial soil removal.

~~**(J) Tool and die, metal working (but no metal stamping) and stone, clay, glass, concrete, brick, pottery, abrasives, tile and related products.**~~ **(Moved to Sec. 17.2)**

(K) ~~**Outdoor storage in connection with any permitted use**~~. (deleted because already allowed in the I district in rear yard as per standards in Chapter 24 footnote (r))

(L) Heating and electric power generating plants.

(M) Junk yards and salvage yards.

(N) ~~**Retail sales** (revised 7/25/95) (revised 1/14/08)~~ **(Moved to Sec. 17.2 with standards) (delete 20.1 and 20.4(AF).**

(O) Commercial radio and television and wireless communication towers. (Revised November 1997).

~~(P) **Contractor/showroom (where, in general, the contractor installs the product)(**revised 6-8-09)~~ (moved to Sec. 17.2)

~~**(Q) Health and physical fitness salons, indoor sports, gymnastics and dance studios. (revised 5/23/11)**~~ (moved to Sec. 17.2)

~~**(R) Mini-storage garages. (revised 8/22/2011)**~~ (moved to Sec. 17.2)

Chapter 16 – HS – HIGHWAY SERVICE COMMERCIAL.

Sec. 16.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right, PROVIDED, that where applicable, the design standards defined in Chapter XX for these specific uses shall apply.

(A) Any permitted use in the CS District.

~~(B) Vehicle service stations and wash establishments.~~ (moved to 15.2 CS by right)

(C) Hotels and motels.

~~(D) Drive-in businesses including restaurants, banks, dry cleaning pick-up stations and other similar uses.~~ (moved to 15.2)

Sec. 16.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

(A) ~~**Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses**~~. **(moved to 15.2 CS by right)**

(B) Vehicle repair establishments when all activities are conducted within a wholly enclosed building.

(C) Drive-in theaters.

~~**(D) Building supply and equipment establishments.**~~ **(moved to 15.2 CS by right)**

(E) Veterinary/**animal** hospitals, clinics, and kennels.

(F) Greenhouses and plant nurseries selling retail. (added to 15.3 CS with SUP)

(G) Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses. (added to 15.3 CS with SUP)

(H) Open air businesses.

(I) ~~**Hospitals.**~~ (added by right in OS with standards, therefore allowed in all commercial and residential districts)

(J) Amusement parks. (added to 15.3 CS with SUP)

~~**(K) Municipal buildings and service installations.**~~ **(allowed by right in 13.2)**

~~(L) Any business or use permitted by right or by special land use approval in the HS Commercial district and having or providing more than two electronic games.~~

(M) Commercial soil removal.

(N) Mini-storage garages.

(O) Sexually oriented businesses (revised 6-23-03).

(P) ~~**Commercial Enterprises producing merchandise on the premises to be sold at retail and/or wholesale**~~. (moved to 15.2 CS by right with no outdoor storage.)

(Q) Commercial radio and television and wireless communication towers. (Revised November 1997)

(R) Daycare center. (revised 2-22-10)

Chapter 15 – CS – COMMUNITY SERVICE COMMERCIAL.

Sec. 15.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

(A) Any permitted use in the NS District.

(B) ~~**Any Retail Business whose principal activity is the sale of merchandise within an enclosed building**~~**. (move to 14.2 NS by right)**

(C) Service establishments including printing, publishing, photo reproduction, blue-printing, and related trades or arts.

~~**(D) Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.**~~

~~**(E) Public or private business schools or colleges.**~~ **(moved to 14.2 NS by right)**

~~**(F) Municipal buildings and service installations.**~~ **(allowed 13.2 in OS by right)**

~~**(G) Public utility buildings and service installations.**~~ **(allowed 13.2 in OS by right)**

~~**(H) Health and physical fitness salons.**~~ **(move to 14.2 NS by right)**

~~**(I) Restaurants, clubs and other drinking establishments which provide food or drink for consumption on the premises, excluding drive-in restaurants.**~~ **(moved to 14.2 NS by right and allow drive-ins)**

(J) Vehicle service stations and wash establishments. (moved from 16.2)

(K) Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses. (moved from HS 16.3 with SUP to by right)

(L) Building supply and equipment establishments. (moved from 16.3 with SUP to by right)

(M) **Commercial Enterprises producing merchandise on the premises to be sold at retail and/or wholesale with no outdoor activities or storage.** **(moved from 16.3 CS with SUP with no outdoor storage.)**

(N) **Warehouses selling wholesale or retail on the premises, PROVIDED, there is no outside storage or stockpiling and the property does not lie within one hundred (100) feet of any Residential District. (moved from 15.3 CS with SUP now by right in CS and HS)**

Sec. 15.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

(A) ~~**Drive-in establishments including restaurants, banks, dry cleaning pick-up stations and other similar uses**~~. (**moved to 14.2 NS by right**)

(B) Open air businesses.

(C) ~~**Vehicle service stations and wash establishments**~~**. (moved to 15.2 by right)**

(D) ~~**Mortuaries and funeral homes**~~**. (moved to 14.2 NS by right with standards)**

(E) ~~**Commercial recreation facilities such as indoor theaters, bowling alleys, indoor skating rinks, billiard parlors or similar uses**~~**. (moved to 15.2 CS by right)**

(F) Veterinary hospitals, clinics, and kennels. (added to 14.3 NS with SUP)

(G) ~~**Commercial enterprises producing merchandise on the premises to be sold at retail and/or wholesale**~~. **(moved to 15.2 CS and HS by right and to 17.2 Industrial by right)**

(H) Amusement Parks.

(I) ~~**Warehouses selling retail on the premises, PROVIDED, there is no outside storage or stockpiling and the property does not lie within one hundred (100) feet of any Residential District**~~. (**moved to 15.2 CS and HS by right**)

(J) ~~Any business or use permitted by right or by special land use approval in the CS Commercial district and having or providing more than two electronic games~~.

(K) Commercial soil removal.

(L) Day Care Centers.

(M) Commercial radio and television and wireless communication towers. (Revised November 1997)

(N) Vehicle repair establishments when all activities are conducted within a wholly enclosed building ~~**and provided that such activities do not include collision services, such as body frame or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning**~~. (revised 12-8-98)

(O) Adult Foster Care Congregate Facility. (revised 5-24-04)

(P) **Greenhouses and plant nurseries selling retail.** **(added from 16.3 with SUP)**

(Q) **Par 3 golf course, miniature golf, driving ranges and similar outdoor recreation uses.** (added from 16.3 CS with SUP)

(R) **Amusement parks**. (added from 16.3 CS with SUP)

Chapter 14 – NS – NEIGHBORHOOD SERVICE COMMERCIAL.

Sec. 14.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

(A) Any permitted use in the OS District.

~~**(B) Retail Food Establishments which supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections, or similar commodities for consumption off the premises. Foodstuffs may be prepared or manufactured on the premises as an accessory activity if the sale of the product is limited to the local retail store. (Includes take-out food-no seating)**~~

~~**(C) Other Retail Businesses such as drug, variety, dry goods, clothing, notions, music, book, hardware, or furniture stores which supply commodities on the premises.**~~

(B) Any Retail or Wholesale Business whose principal activity is the sale of merchandise within an enclosed building. (moved from 15.2 CS by right)

(C) Assembly buildings including dance pavilions, auditoriums, churches, and private clubs. (moved from 15.2)

(D) Public or private business schools or colleges. (moved from 15.2)

(E) Health and physical fitness salons. (moved from 15.2(H)

(F) Restaurants, clubs and other drinking establishments which provide food or drink for consumption on the premises, ~~excluding drive-in restaurants~~. (moved from 15.2I and now allow drive-ins)

(G) Drive-in businesses including restaurants, banks, dry cleaning pick-up stations and other similar uses. (moved from 16.2)

(H) Mortuaries and funeral homes (moved from 15.3D with SUP) provided the minimum lot area shall be one acre with a minimum width of one hundred and fifty (150) feet and the site shall front upon an arterial or collector street.

Sec. 14.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

(A) ~~**Restaurants, not permitting dancing, live entertainment, or the consumption of alcoholic beverages on the premises, and not including drive-in facilities**~~. (allowed by right 14.2 NS)

(B) ~~**Mortuaries and funeral homes**~~. (allowed by right 14.2 NS)

(C) Vehicle service stations, ~~**maximum four (4) pump islands**~~.

(D) ~~**Public utility and service buildings not requiring a storage yard**~~. **(moved to 13.2 by right-all commercial districts)**

(E) ~~**Drive-in establishments including banks, dry cleaning pick-up stations, and other similar uses**~~. **(allowed by right in NS and above)**

(F) Day care centers.

(G) ~~**Any business or use permitted by right or by special land use approval in the NS Commercial district and having or providing more than two electronic games**~~.

(H) Commercial soil removal.

(I) Vehicle Wash Establishment (August 6, 1996)

(J) Commercial radio and television and wireless communication towers. (Revised November 1997)

(K) ~~**Churches**~~ (Revised April 1998) **(allowed by right in 14.2 NS and above)**

(L) Adult Foster Care Congregate Facility. (revised 5-24-04)

(M) Veterinary hospitals, clinics, and kennels. (plus from 15.3 CS with SUP)

Chapter 13 – OS – OFFICE-SERVICE COMMERCIAL.

Sec. 13.2 PERMITTED USES.

Land and/or buildings in this District may be used for the following purposes by right:

(A) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and office equipment and supplies sales.

(B) Medical offices including clinics.

(C) Banks, credit unions, savings and loan institutions not including drive-in facilities.

(D) Personal service establishments which perform personal services on the premises, including barber and beauty shops, interior decorating shops, photographic studios, laundromats or similar uses. (revised 7/25/95)

(E) Hospitals, provided, ~~the design standards defined in Chapter XX, shall apply~~. **At least one (1) property line abuts a major or minor arterial street; minimum main and accessory building setback shall be one hundred (100) feet; and ambulance and emergency entrance areas shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet or more in height. Access to and from the ambulance and delivery area shall be directly from a major or minor arterial street.**

(F) Commercial schools including art, business, music, dance, professional, and trade.

(G) Municipal buildings, **public utility buildings**, **service installations,** exchanges, and public utility offices ~~but not including storage yards, substations, or regulator stations~~. (moved from Sec. 16.3K with SUP)

(H) **Churches (moved from 13.3 with SUP to by right).**

(I) Accessory buildings and uses as defined in Chapter II.

Sec. 13.3 USES REQUIRING SPECIAL LAND USE APPROVAL.

The following uses may be permitted by obtaining Special Land Use Approval when all applicable standards as cited in Chapter XX are met.

(A) Drive-in establishments including banks, dry cleaning pick-up stations and similar personal services, not including drive-in restaurants and vehicle service stations.

(B) Restaurants or other establishments serving food and/or beverages but not including drive-ins.

(C) Mortuaries and funeral homes.

(D) ~~**Any business or use permitted by right or by special land use approval in the OS Commercial district and having or providing more than two electronic games**~~.

(E) Commercial soil removal.

(F) Commercial radio and television and wireless communication towers. (Revised November 1997)

~~**(G) Churches (Revised April 1998)**~~ **(moved to 13.2 by right)**

(H) Day care centers (revised 10-25-06)

Sec. 20.1 SCOPE.

(C) **Veterinary/**Animal hospitals.

(G) ~~Commercial enterprises producing merchandise~~.

(AF) ~~Retail sales as an accessory use to a Permitted or Special Approval Use~~

(AJ) ~~Health and physical fitness salons, indoor sports, gymnastics and dance studios~~

Sec. 20.4 SITE DESIGN STANDARDS.

~~(G) **Commercial enterprises producing merchandise**: (revised 2/10/14)~~

~~(1) (Deleted 2/10/14)~~

~~(2) (Deleted 2/10/14)~~

~~(3) The production operation shall not be detrimental to any adjoining properties by reason of odor, noise, smoke, or vibration.~~

~~(4) All loading areas shall be located in the rear yard.~~

~~(5) All activities shall be conducted within an enclosed building. Outdoor storage shall not be permitted.~~

~~(L) **Drive-in restaurant**.~~

~~(1) The main and accessory buildings shall be set back a minimum of sixty (60) feet from any adjacent right-of-way line or residential property line.~~

~~(2) Public access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of said access.~~

~~(3) Where the site abuts residentially zoned property, a greenbelt shall be provided along such property line, in accordance with Section 3.11.~~

~~(4) The site shall be so designed as to provide adequate stacking space for drive-through customers without obstructing access to off-street parking spaces, interfering with traffic circulation through the site, or causing vehicles to queue off the site.~~

~~Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.~~

~~(AF) **Retail sales.** (whole section revised 1/14/08)~~

~~(1) The retail sales area shall front on a major street. Such streets shall be limited to Chicago Dr., Pt. Sheldon St., 18th Ave., and 44th St.~~

~~(2) Parking shall be provided as specified in Chapter 26. (Revised July 1995)~~

~~(3) All retail sales shall be conducted completely within the main building. No freestanding sales structure and no outdoor sales shall be permitted.~~

~~(4) No outdoor display of merchandise shall be permitted. (revised 7/25/95)~~

~~(AJ) **Health and physical fitness salons, indoor sports, gymnastics and dance studios**. (revised 5/23/2011) (revised 5/12/2014)~~

~~(1) Public access to the site shall be located at least one hundred (100) feet from any intersection, measured from the nearest right-of-way line to the nearest edge of said access).~~

~~(2) The lot shall be located so that at least one (1) side abuts an arterial street.~~

~~(3) All parking, drive aisles and pickup and drop-off areas shall be paved.~~

~~(4) Sufficient space shall be provided to accommodate all vehicles queuing on the property, so no vehicles are required to wait on an adjoining street or alley to enter the site.~~

~~(5) Parking shall be provided as specified in Chapter 26 for dance halls and assembly halls without fixed seats.~~

~~(6) Hours of operation shall be established by the Planning Commission in order to minimize negative impacts on surrounding properties. Hours of operation shall not include 7:00 a.m. to 5:00 p.m. Monday to Friday excluding holidays.~~

~~(7) All activities shall be conducted within an enclosed building unless otherwise specifically approved by the Planning Commission.~~

~~(8) The main and accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.~~

~~(9) Where the site abuts residentially zoned property, a 25-foot greenbelt shall be provided along such property line, in accordance with Section 3.11.~~

~~(10) (Deleted 5/12/2014)~~

~~(11) All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent property.~~

Motion: To initiate the Zoning Ordinance revisions as proposed.

To: Planning Commission
From: Mannette
Date: January 11, 2016
RE: Maximum number of stories

A topic of discussion is the number of stories and mean height in each zoning district.

DISTRICT	Minimum Lot Size Per Unit (a)		Maximum Lot Coverage (percent)	Minimum Yard Setbacks (b)(o)(v)				Maximum Building Height (p)	
	Area (Square Feet)	Width (Feet)		Front (s) (t)	Side		Rear	Stories	Feet
					Least One	Total			
AG Agriculture	40,000	200	20	40 (l)	20	40	75	2½	35
RR Residential	30,000 (c)	200(c)	20	40 (l)	20	40	50	2½	35
LDR Residential	11,475 (d)	85(n)(d)	30	40 (l)	10	20	40	2½	35
LMR Residential	7,700 (e)	70(n)	30	30 (l)	5	15	30	2½	35
MDR Residential	10,000 (d)(f)	80(n)	30	35 (l)	10	20	35	2½	35
MHR Residential (i)(j)	10,000 (e-g)	80(n)	35	35 (l)	10	20	35	2½	35
HDR Residential (i)(j)	(e-h),(u)	---	40	30 (l)	15	30	30	~~2½~~ 5	~~35~~ 50
MHP Residential (i)	----	---	35	---	---	---	---	1	20
OS Commercial	11,050	85	---	30 (l)	(m)		50	2	25
NS Commercial	11,050	85	---	30 (l)	(m)		50	2½	35
CS Commercial	11,050	85	---	30 (l)	(m)		40	2½	35
HS Commercial	15,000	100	35	30 (k)	10 (m)	25	40	2½	35
I Industrial	40,000	150	40	45 (r)	20 (m)	40	40	3	45

Motion: To initiate a Zoning Ordinance amendments as follows