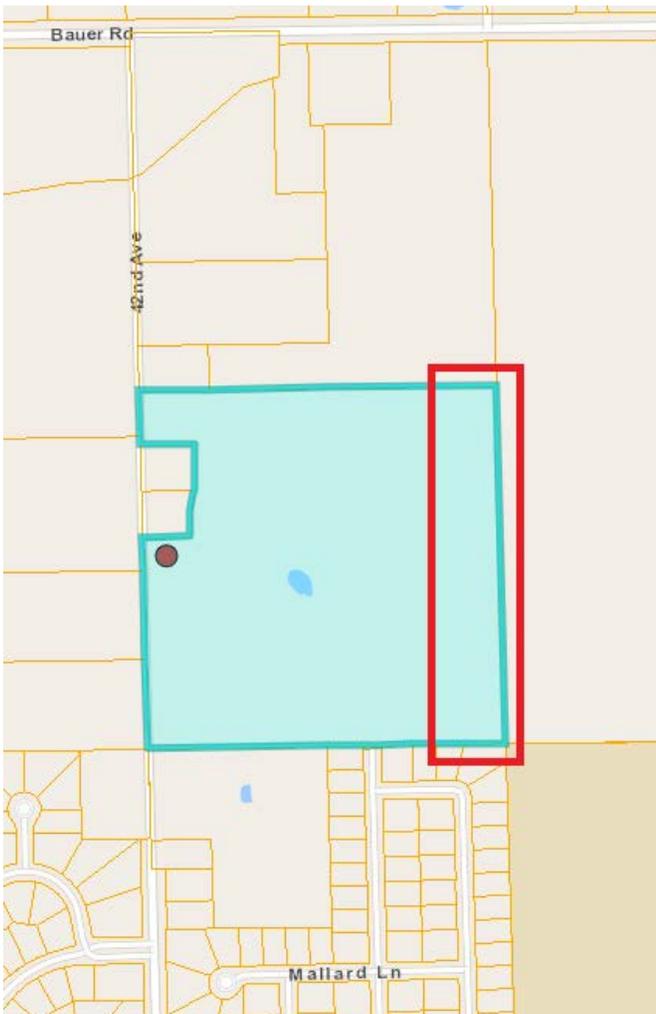


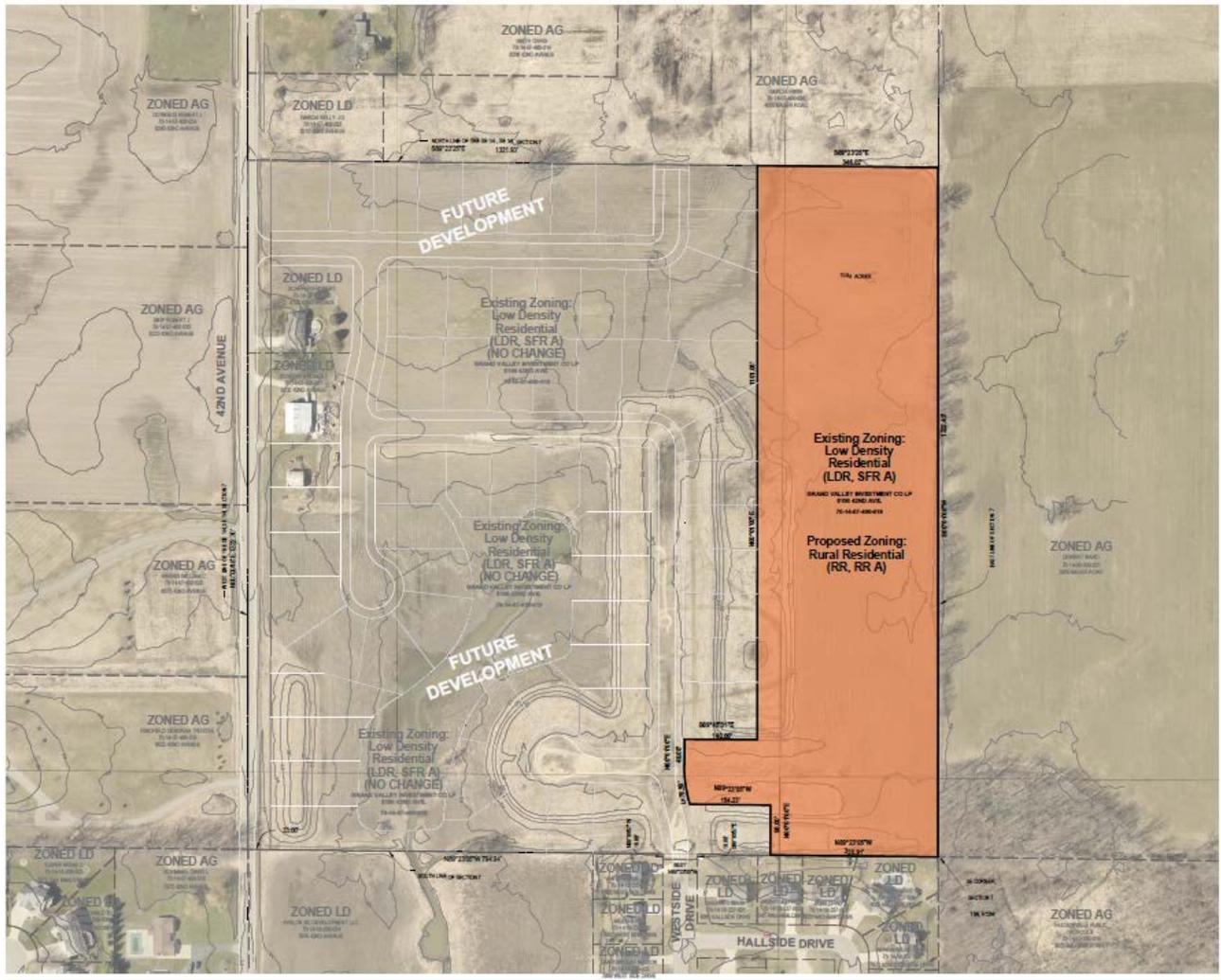
REQUEST

(REZ2001) Ordinance 2020-01 To change from (LDR) Low Density Residential to (RR) Rural Residential part of a parcel of land described as P.P. # 70-14-07-400-019, located at 8100 42nd Ave., Georgetown Township, Ottawa County, Michigan.

The applicant is requesting the rezoning of 10.84 acres along the eastern portion of the 38.62 parcel from (LDR) Low Density Residential to (RR) Rural Residential. The applicant indicated that the plan was to build a house on the 10 acre site, along with an accessory building (which could be a maximum of 1500 square feet in the RR district). The plan shows the remainder of this land being developed as a plat and this proposed land that is subject to this review to have access from an interior street that would be constructed with the plat. However, the rezoning to RR should be reviewed solely on the change of zoning designation and the uses allowed, without consideration of the site plan or proposed use. Note that no plat or land splits are to be approved with this application. The request is only to rezone this 10 acre portion of the parcel.

See the Zoning Map below. The parcel is surrounded by land zoned (AG) Agriculture.





HISTORY

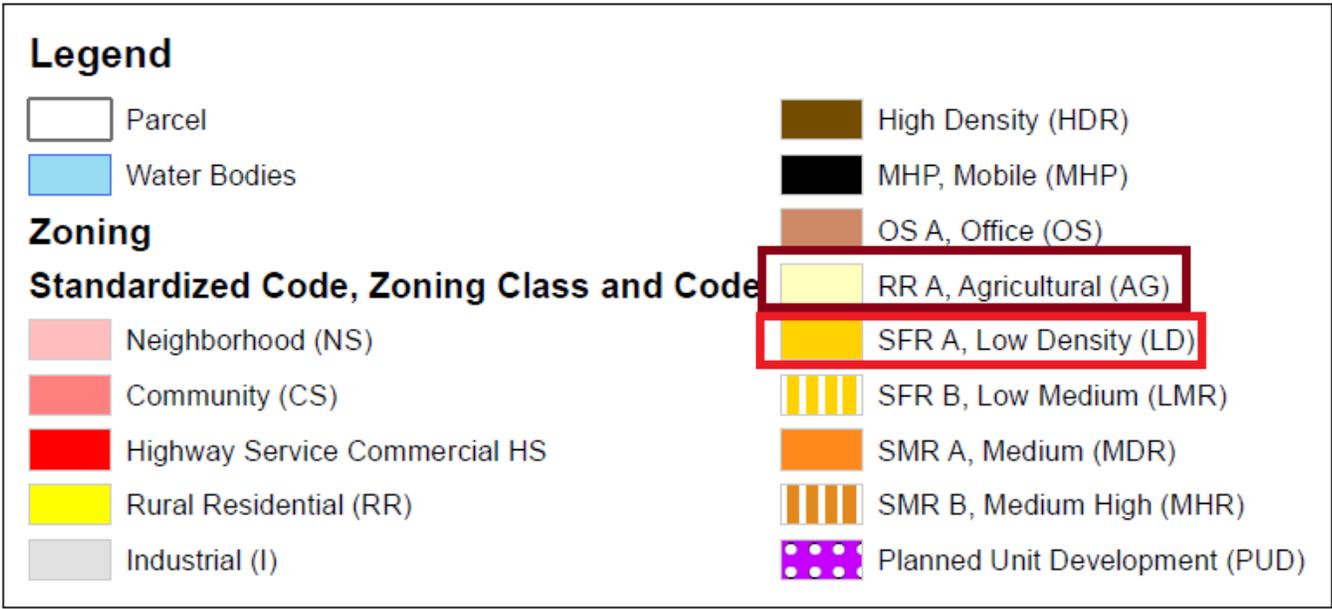
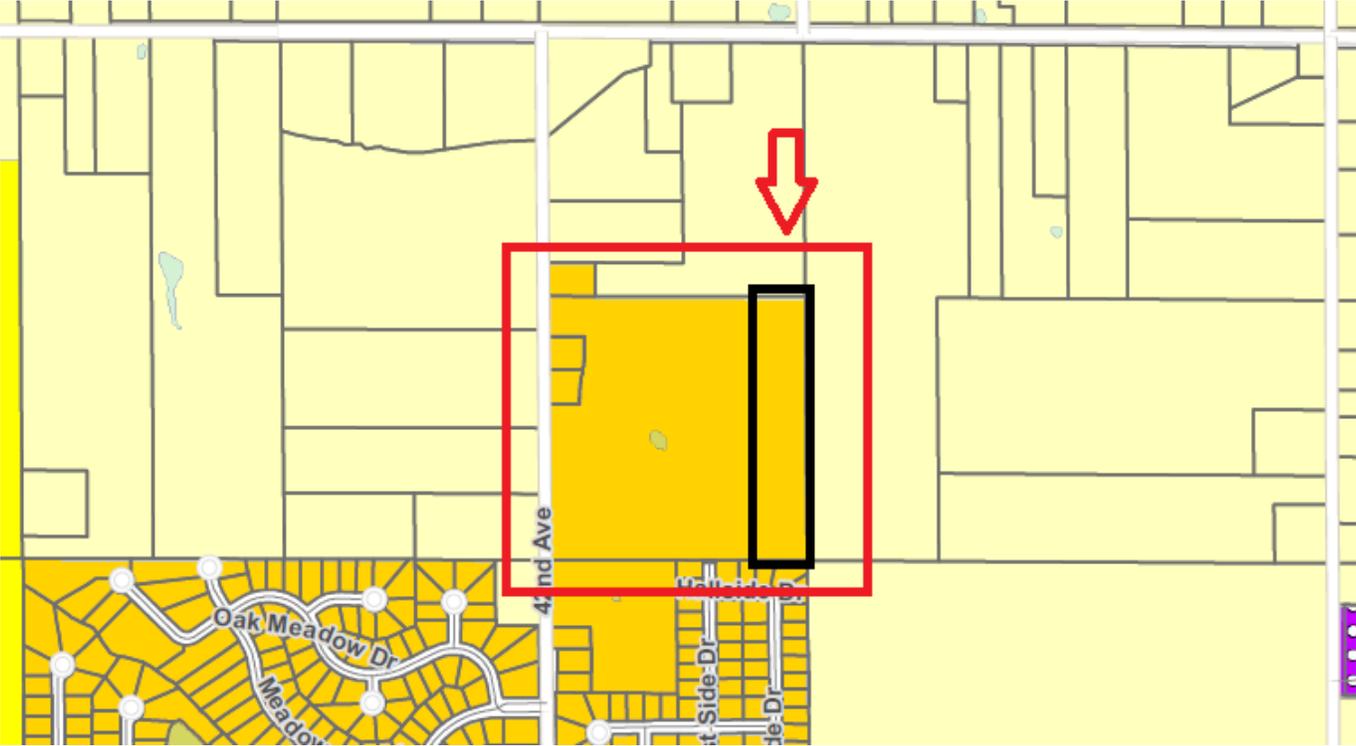
At the May 29, 2001 meeting, the Township Board approved the rezoning of this parcel to LDR from AG. In 2003, a preliminary plat was approved for the development of Schepers plat on this entire parcel. However, the approval expired prior to advancing to final preliminary plat approval.

#010529-13 - Rezoning (REZ0103) To change from (AG) Agriculture to (LDR) Low Density Residential parcels of land described as P.P.# 70-14-07-400-007, -006, located at 8100 and 8158 42nd Ave.

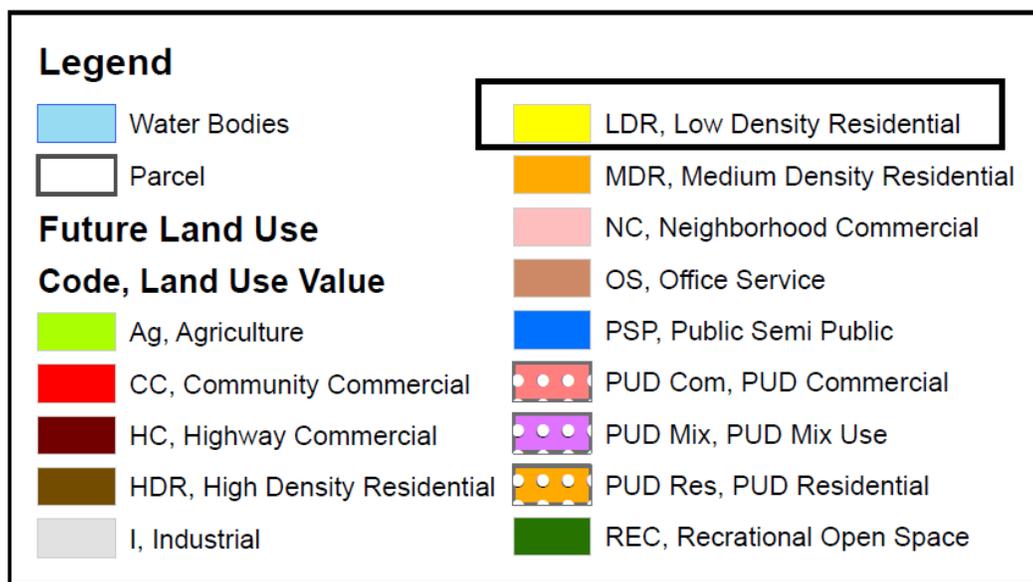
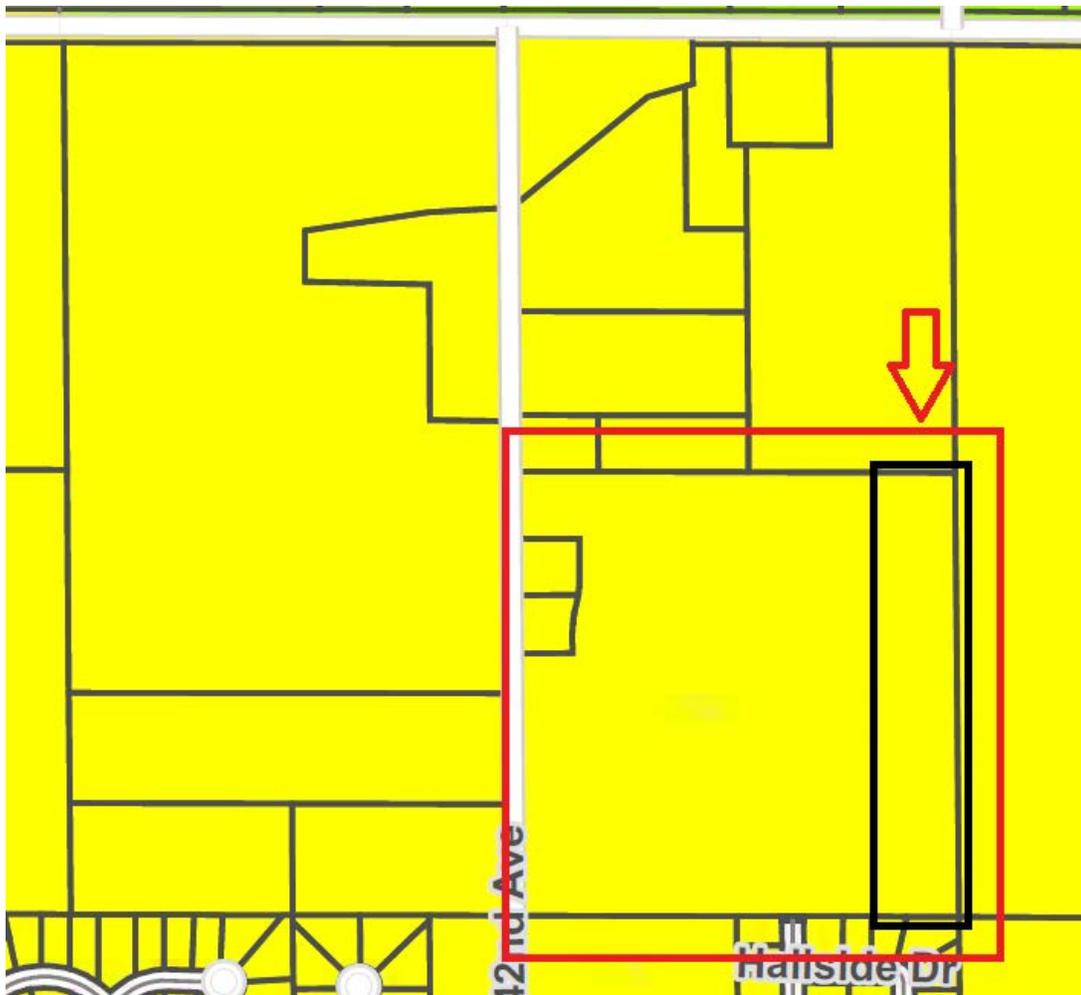
Moved by R. J. Poel, seconded by Del South, to approve Rezoning (REZ0103) To change from (AG) Agriculture to (LDR) Low Density Residential parcels of land described as P.P.# 70-14-07-400-007, -006, located at 8100 and 8158 42nd Ave., based on consistency with the Master Plan, compatibility of the rezoning with the surrounding area and the capacity of the site to accommodate the proposed rezoning district's uses. Note: As recommended by the Planning Commission.

MOTION CARRIED.

Zoning map and legend (currently zoned LDR). Note that the parcel is surrounded by AG to the north, east and west.



Future Land Use Map and legend.



RELEVANT MASTER PLAN LANGUAGE

Page 32 of the Master Plan states:

Residential Land Use Policies:

New residential development should occur contiguous to existing developed areas to ensure efficient utilization of existing utility lines, or the developer would be responsible to bring the utilities to the location.

The Township should provide opportunities for a variety of living environments for differing preferences in housing styles and prices, however limiting more HDR dwelling units to areas around Grand Valley State University or possibly the east end of Baldwin because the need has been substantially met in other areas of the Township.

Page 35 of the Master Plan states:

RR/AG-Rural/Agricultural Preservation

Land in this category is not anticipated to be developed for urban uses within a 15 to 20 year timeframe. It is intended for agriculture uses, as well as very low density residential development which does not require provision of public utilities. Gross density of residential development in this category is not intended to exceed one dwelling per ten acres, although zoning may permit development on lots smaller than this. The gross density figure is intended to be an overall measure of density in this category, including public right-of-way and land devoted to agricultural uses or other non-development uses.

LDR-Low Density Residential

This category includes land primarily developed for detached single-family residential use in the LDR and LMR zoning districts. Residential development in this land use category is intended to be served by public water and sewer services.

Since the Future Land Use Map anticipates future urban growth in areas not currently served by public utilities, it is recognized that this growth will be contingent on expansion of utility services through main extensions.

Since the Future Land Use Map anticipates future urban growth in areas not currently served by public utilities, it is recognized that this growth will be contingent on expansion of utility services through main extensions. In some cases, development of attached forms of housing may be appropriate, at low densities, in response to site specific circumstances, such as wetland, wooded lots, steep slope, floodplain, or other natural features constraints. Overall development density in this category is assumed to be two/three dwelling units per acre.

Page 40 of the Master Plan states:

The Future Land Use Map reflects the expected continued development of the Township as a high-quality residential community. In addition, smaller amounts of land are provided for expansion of the Township's commercial and industrial base. Following is a discussion of the Future Land Use Map organized according

to several specific geographical sub-areas of the Township which served as the focus for issue identification and policy development by the Planning Commission. **The map shall be used in conjunction with the text of the Land Use Plan since the language is a vital part of the Plan relative to uses that are planned for the future without specific locations known at the time of the adoption of the Plan.**

Page 43 of the Master Plan states:

Bauer Rd./Fillmore Area.

The Land Use Plan recognizes that this is an area in transition from very rural to urban residential which includes the approved residential planned unit development. However, the natural character of the area should be preserved to the extent possible. As public water and sanitary sewer become available, planned development in the form of PUDs or open space preservation projects could be permitted within an overall residential density limit of 3.5 units per acre. Preference should be given to large scale developments that will maintain open space and preserve the natural character of the land, while meeting the residential goals of this Plan. Conventional subdivisions that simply divide the land into lots with no amenities and little regard for the natural character should be discouraged.

LOT SIZE, SETBACKS AND USES

1. The uses allowed by right in the RR district are the same as the LDR district. The RR district also allows the same special uses, along with special uses allowed in the AG and RR district. All special uses would have to meet the standards in the ordinance for a special use permit.

Sec. 7.2 PERMITTED USES.

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

- (A) Any permitted use in the LDR District.
2. LDR lots serviced by public water and sanitary sewer must have a minimum width of 85 feet and a minimum area of 11,475 square feet. RR lots serviced by public water and sanitary sewer must have a minimum width of 110 feet and a minimum area of 15,000 square feet.

REVIEW STANDARDS

Rezoning goes with the land, not the property owner or use. Therefore, once a parcel is zoned to a particular classification, the zoning is permanent unless changed by a subsequent rezoning action. Zoning cannot be conditional and a parcel cannot be rezoned for one specific use. Any use permitted within the zoning district is permitted on the property, provided the other applicable regulations of the Zoning Ordinance (lot sizes, setbacks, etc.) are met.

The following standards are used for consideration by the Planning Commission and Township Board in their review of the rezoning request.

1. **Consistency:** Is the proposed zoning and all of its permitted uses consistent with the recommendations of the Township Land Use Plan?

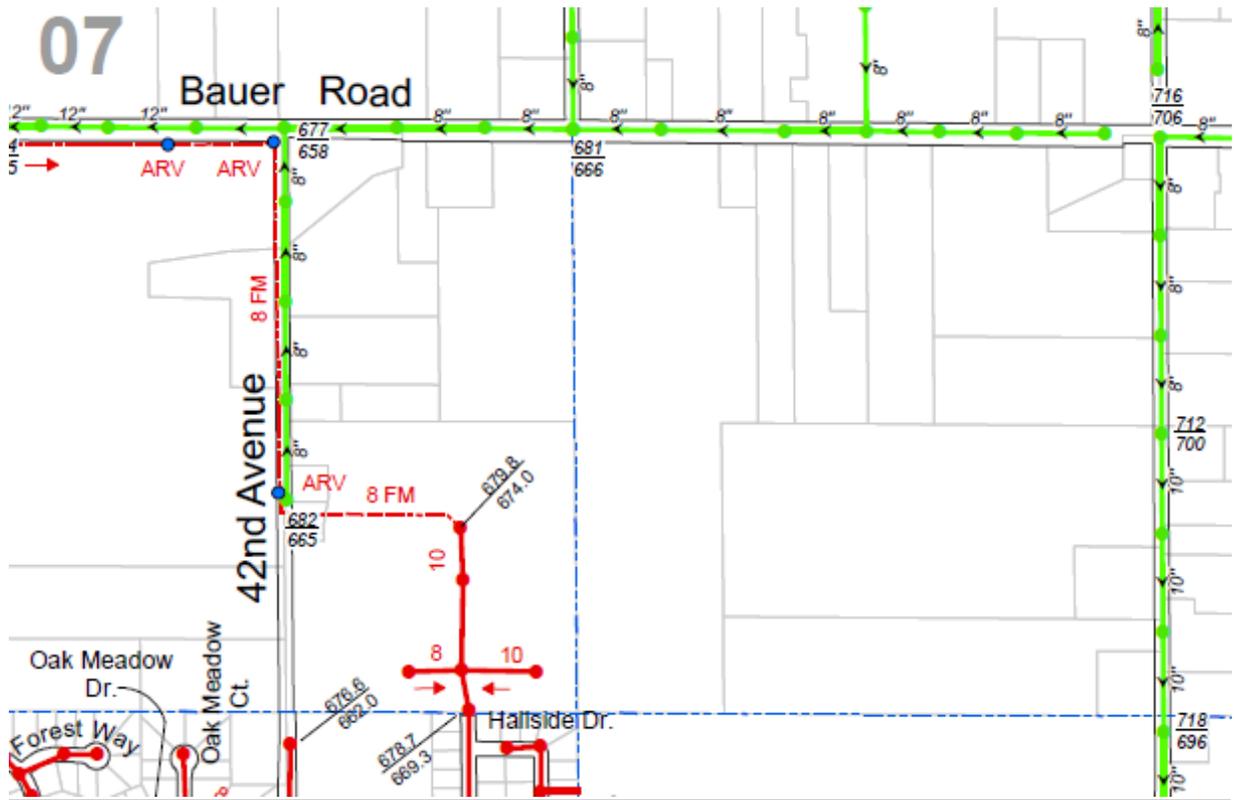
Although the Future Land Use Map shows the area as LDR, using the language of the Master Plan a determination can be made that the proposed RR zoning is consistent with the Master Plan.

In order to be zoned LDR, page 32 of the Master Plan states: “New residential development should occur contiguous to existing developed areas to ensure efficient utilization of existing utility lines, or the developer would be responsible to bring the utilities to the location.”

In order to be zoned LDR, page 35 of the Master Plan states: “This category includes land primarily developed for detached single-family residential use in the LDR and LMR zoning districts. Residential development in this land use category is intended to be served by public water and sewer services.”

While the sewer map shows service to this parcel, it does NOT show service to the adjacent parcels to the north or east or west. Therefore, until a developer is ready to bring sewer services to the adjacent parcels, they will likely remain zoned AG.

Further, zoning this portion of the parcel to RR provides a buffer between the LDR (where a plat is proposed to be developed) and the AG land to the north and east.



2. **Compatibility:** Is the proposed district and all of its allowed uses compatible with the surrounding area?

Yes. The adjacent property to the north and east is zoned AG and this provides a buffer between the LDR and the AG zoned land. The uses allowed by right in the LDR are the same as RR. The uses allowed in the RR are the same as the LDR, in addition to special land uses which would have to go through the process and meet the standards in the ordinance.

3. **Capability:** Is the property capable of being used for a use permitted within the existing zoning district?

Yes, it is capable of being used in the RR and LDR districts

4. **Other considerations:** Will the rezoning require an inordinate expenditure of public funds (road improvements, utility extension, etc.) to make the development feasible?

No.

5. **Will the rezoning cause development to “leap frog”** other undeveloped areas in the same zoning district and necessitate premature extensions of services to rural areas of the Township?

No.

6. **Is there sufficient vacant land already zoned in a specific category** (e.g., industrial, multi-family, commercial)?

Not necessarily.

7. Is the rezoning more likely to be granted if conditions could be attached (rezonings cannot be conditional)?

No.

SUMMARY

The proposed zoning designation appears **to be consistent** with the language of the Master plan. The area is **determined to be capable** of sustaining the uses within the RR district. The uses allowed within the RR district are **compatible** with the neighboring uses, both the adjacent LDR and the adjacent AG.

NOTE: No plat or land divisions are approved as part of this application.

OPTION FOR MOTION

If the Planning Commission determines that the property should be rezoned to RR the following motion is provided.

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

**Georgetown Charter Township
Ottawa County, Michigan
(Ordinance No. 2020-01)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2020 beginning at 7:00 p.m., Township Board Member _____ made a motion to adopt this Ordinance because the proposed zoning designation is **consistent** with the language of the Master Plan; the area is **capable** of sustaining the uses within the RR district without addition public funds; the uses allowed within the RR district are **compatible** with the neighboring uses including both the surrounding LDR and the surrounding AG, as recommended by the Planning Commission, and to adopt the staff report as finding of fact, 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:

(REZ2001) Ordinance 2020-01 To change from (LDR) Low Density Residential to (RR) Rural Residential part of a parcel of land described as P.P. # 70-14-07-400-019, located at 8100 42nd Ave., Georgetown Township, Ottawa County, Michigan.

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: _____, 2019

By _____
Richard VanderKlok
Georgetown Charter Township Clerk