

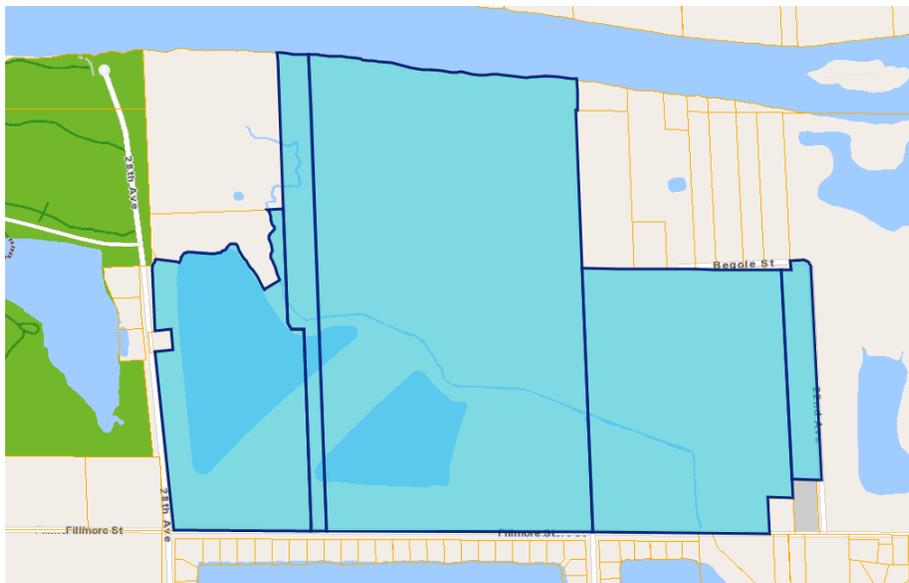
STAFF REPORT TO THE PLANNING COMMISSION FOR REZONING REQUEST (REZ2104)

(REZ2104) (Ordinance 2021-04) To change from Rural Residential (RR) to Low Density Residential (LDR) the following parcels of land described as:

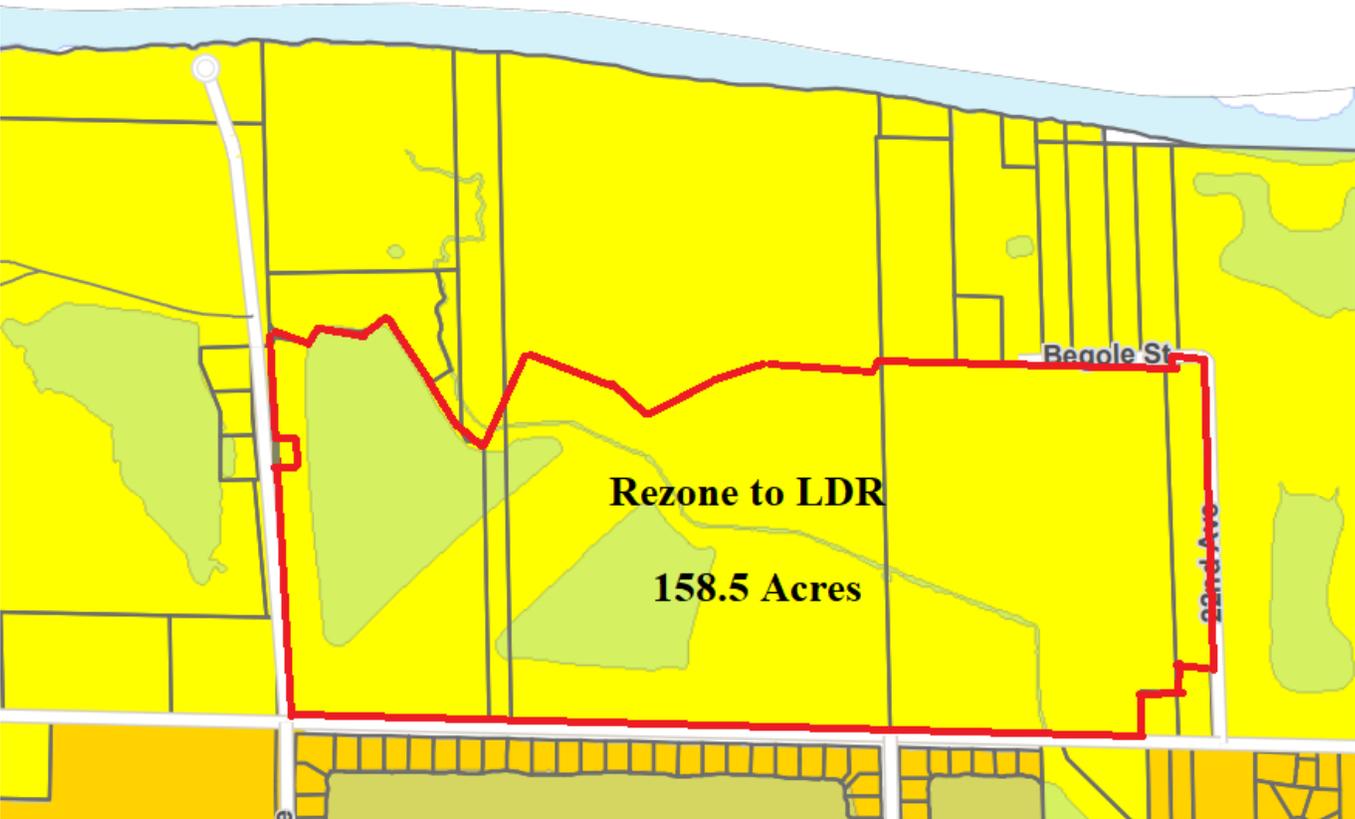
- a. Part of P.P. # 70-14-04-200-025, 2735 Fillmore St.;
- b. Part of P.P. # 70-14-04-200-013, 2511 Fillmore St.;
- c. Part of P.P. # 70-14-04-200-007, 9426 28th Ave.;
- d. P.P. # 70-14-03-100-014, 2321 Fillmore St.;
- e. P.P. # 70-14-03-100-016, 2200 Begole St.;

Georgetown Township, Ottawa County, Michigan.

The applicant indicated that the reason for the request to rezone part of the listed parcels from RR to LDR is because the intention is to plat and develop the land into single family residences that will include RR and LDR zoned lots. The total area to be rezoned to LDR is 158.5 acres.



ZONING MAP



Legend

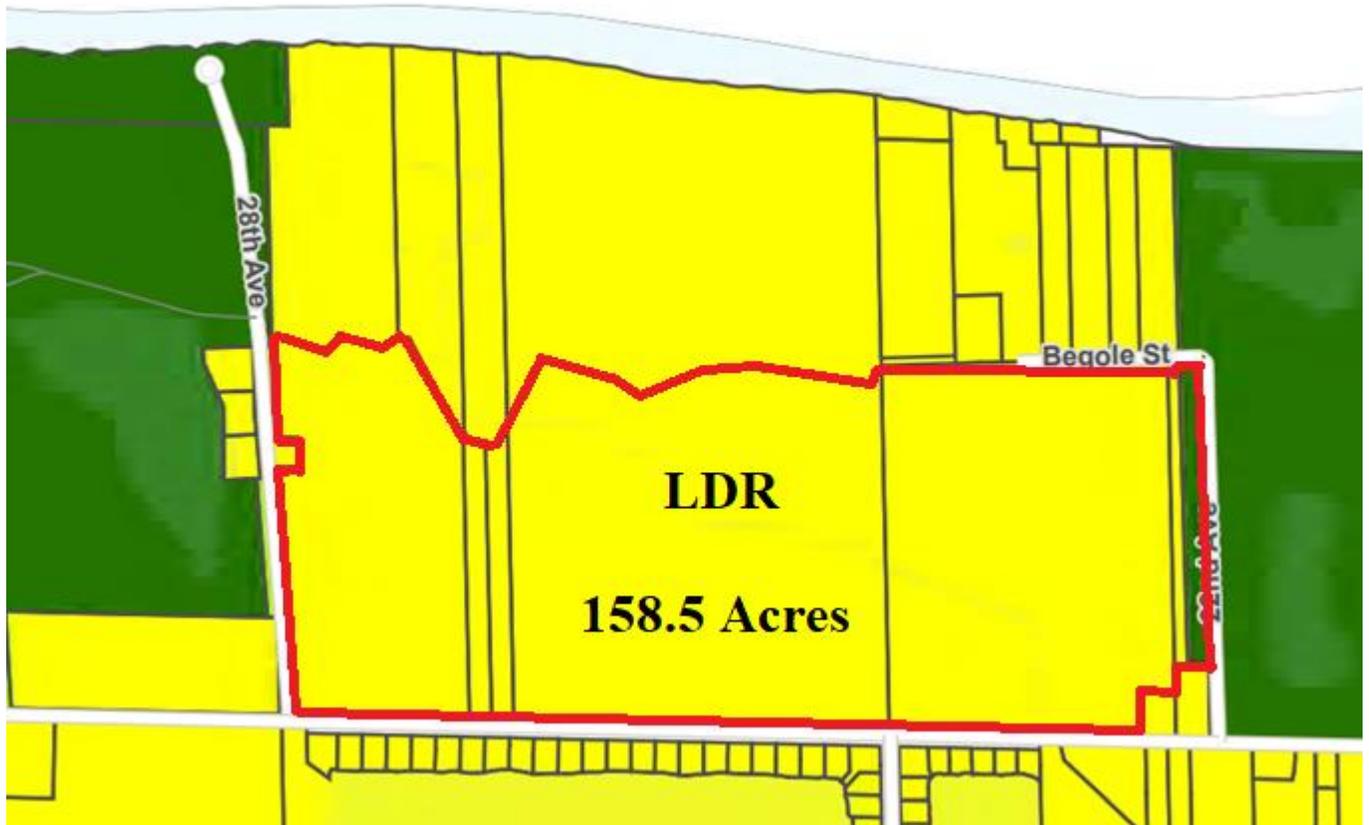
Parcel	High Density (HDR)
Water Bodies	MHP, Mobile (MHP)

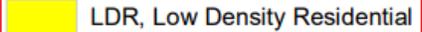
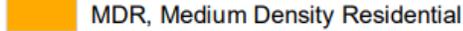
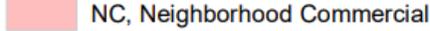
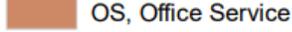
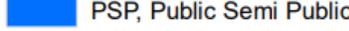
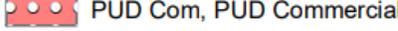
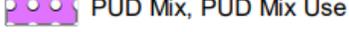
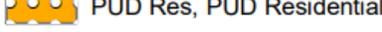
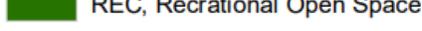
Zoning

Standardized Code, Zoning Class and Code

Neighborhood (NS)	OS A, Office (OS)	RR A, Agricultural (AG)
Community (CS)	SFR A, Low Density (LD)	SFR B, Low Medium (LMR)
Highway Service Commercial HS	SMR A, Medium (MDR)	SMR B, Medium High (MHR)
Rural Residential (RR)	Planned Unit Development (PUD)	
Industrial (I)		

FUTURE LAND USE MAP



Legend	
	Water Bodies
	Parcel
Future Land Use Code, Land Use Value	
	Ag, Agriculture
	CC, Community Commercial
	HC, Highway Commercial
	HDR, High Density Residential
	I, Industrial
	LDR, Low Density Residential
	MDR, Medium Density Residential
	NC, Neighborhood Commercial
	OS, Office Service
	PSP, Public Semi Public
	PUD Com, PUD Commercial
	PUD Mix, PUD Mix Use
	PUD Res, PUD Residential
	REC, Recreational Open Space

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?

Based on the text of the Master Plan, the Future Land Use Map, and based on the property being adjacent to LDR and based on utilities (including sewer) being available if the sewer system is upgraded by the developer, the request is determined to be consistent with the Master Plan.

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.

This proposal is in a location where existing utility lines are readily available.

Page 35 of the Master Plan states:

Based on the issues, goals and policies presented, and on consideration of potential future population growth in the Township, a map titled “Georgetown Township Future Land Use Map” dated November 23, 2015, depicting the desired future development pattern in the Township was prepared and may be viewed at the Georgetown Township Office or online. **It is noted that lines separating land use categories are NOT to be considered to be defined lines and the lines are not necessarily parcel specific.**

Being adjacent to LDR zoning, this property then could be considered to be designated as LDR since the lines are not supposed to be defined lines and are not supposed to be parcel-specific.

Additionally, the Future Land Use Map designates the parcel and adjacent areas to the north and south as LDR (see the map above).

Page 35 of the Master Plan states:

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.

The property is capable of supporting the LDR zone once the developer works with the Township to upgrade the utility infrastructure to extend services into the site.

The Future Land Use Map designates this site as LDR and it could be determined that it is the appropriate time for this site to be rezoned to LDR since LDR development has finally extended out to this part of the Township with Cedar Lake Estates No. 10 being to the south of the site.

Therefore, per the Master Plan, rezoning this property from RR to LDR appears to be consistent with the Master Plan.

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

Yes. Adjacent properties to the north and south are zoned either RR or LDR with single family residential uses and are planned as LDR on the Future Land Use Map. Property to the south is LDR subdivision development, Cedar Lake Estates No. 10. The proposed zoning district and all of its permitted uses are compatible with the surrounding area.

- 3. Capability:** Is the property capable, including utilities and infrastructure, of being used for all the uses that would be allowed?

Yes. The land is capable of being used for all uses permitted in LDR zoning. The developer can work with the Township to bring utilities to the area.

Below are uses permitted in LDR zoning per Chapter 8.

Sec 8.1 PURPOSE

The regulations of the LDR District are intended to provide for a stable and sound family residential environment with its appropriate neighborhood related urban utilities, facilities, and services. Through this District a relatively low density urban residential development will be permitted through the construction and occupancy of one-family dwellings on relatively large urban lots.

Sec 8.2 PERMITTED USES

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

1. Detached single-family dwellings.
2. Public parks, playgrounds, playfields and other public uses of an open space recreational character.
3. Family Day Care Homes.
4. Accessory buildings and uses as defined in Chapter II.
5. Customary Home Occupations as defined in Chapter II, Section 2.47.
6. Adult Foster Care Family Home. (revised 5-24-04)
7. Foster Family Home. (revised 5-24-04)
8. State Licensed Residential Family Facility. (revised 5-24-04)

Sec 8.3 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 20 are met.

1. Churches.
2. Municipal buildings not requiring outdoor storage of materials or vehicles.

3. Public utility or service buildings not requiring outdoor storage of materials.
4. Hospitals, clinics, convalescent homes, and housing for the elderly but not institutions for mentally retarded, epileptic, drug or alcoholic patients or correctional institutions of any type.
5. Group Day Care Homes.
6. Private non-commercial recreation.
7. Golf courses or country clubs.
8. K-12 schools, provided such schools are not operated as commercial enterprises.
9. Cemeteries.
10. The growing and harvesting of crops for resale, provided that this shall exclude the raising of animals and the retail sale of products on the premises, except for roadside stands, and subject to the following restrictions.
 - a. No storage of manure or odor or dust producing materials or use shall be permitted within one hundred fifty (150) feet of any adjoining lot line.
 - b. No accessory buildings shall be located closer than seventy-five (75) feet of any lot line.
11. (deleted June 1995)
12. Commercial soil removal.
13. Bed and breakfast establishments.
14. Day care centers. (Revised August 1996)
15. Commercial wireless communication towers. (Revised November 1997)
16. Foster Family Group Home (revised 5-24-04)
17. Adult Foster Care Small Group Home (revised 5-24-04)
18. Adult Foster Care Large Group Home (revised 5-24-04)
19. Adult Foster Care Congregate Facility (revised 5-24-04)
20. State Licensed Residential Group Facility (revised 5-24-04)

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

The lift station at Fillmore and 22nd Ave. will have to be upgraded, which may also affect capacity of the lift station at 12th Ave. near Maplewood Park.

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. There will be no “leap frog”. Directly to the south of the area is Cedar Lake Estates No. 10, which is zoned LDR. This rezoning is consistent with the Future Land Use Map.

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

This does not apply because the owner has indicated that they want to develop the land and it appears to be the appropriate time to do so because development has extended out to this part of the Township.

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

No.

SUMMARY

The proposed zoning designation is **determined to be consistent** with the Master plan (specifically the text). The area is **determined to be capable** of sustaining the uses within the LDR district. The uses allowed within the LDR district are **compatible** with the neighboring uses.

OPTION FOR MOTION

If the Planning Commission determines that the property should be rezoned to LDR 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. 2021-04)**

At a regular meeting of the Georgetown Charter Township Board held at the Township offices on _____, 2021, 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 Master plan and the Future Land Use Map for the area; the area is **capable** of sustaining the uses within the LDR district without additional public funds; the uses allowed within the LDR district are **compatible** with the neighboring uses 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:

(REZ2104) (Ordinance 2021-04) To change from Rural Residential (RR) to Low Density Residential (LDR) the following parcels of land described as:

- a. Part of P.P. # 70-14-04-200-025, 2735 Fillmore St.;
- b. Part of P.P. # 70-14-04-200-013, 2511 Fillmore St.;
- c. Part of P.P. # 70-14-04-200-007, 9426 28th Ave.;
- d. P.P. # 70-14-03-100-014, 2321 Fillmore St.;
- e. P.P. # 70-14-03-100-016, 2200 Begole St.;

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 after the adoption 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: _____, 2021

By _____
Ryan Kidd
Georgetown Charter Township Clerk