

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 03-2023**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND MAP
TO REZONE THE SOUTHWEST CORNER OF FREMONT STREET AND BLUE
STAR HIGHWAY (PPN 03-59-350-017-20), SECTION 350, CITY OF THE VILLAGE OF
DOUGLAS, ALLEGAN COUNTY, MICHIGAN**

PREAMBLE

WHEREAS, the City of the Village of Douglas received on behalf of Tim Travis, Superintendent of Saugatuck Public Schools, (“Applicant”) an Application to Rezone PPN **03-59-350-017-20**, located at the southwest corner of Fremont Street and Blue Star Highway, from its current zoning in the C-2, General Commercial District to the R-5, Multiple Family District and C-1, Village Center District, located, in Douglas, Michigan;

WHEREAS, pursuant to Article 28 of the Douglas Zoning Ordinance, an Application to Rezone shall constitute a petition for an ordinance to amend the Official Zoning Map of the City of the Village of Douglas, requiring public hearing by the Planning Commission and Approval by City Council;

WHEREAS, pursuant to and in compliance with Act 110 of 2006 of the Public Acts of Michigan, being the Zoning Enabling Act as amended, the Planning Commission conducted a public hearing concerning the application and petition on, after proper publication of a notice first published on April 27, 2023 in the Commercial Record, a newspaper of general circulation in the City;

WHEREAS, proposed land divisions in accordance with Exhibit A have been provided for concurrent review by City Council alongside the rezone requests.

THE CITY OF THE VILLAGE OF DOUGLAS ORDAINS:

The City of the Village of Douglas Zoning Ordinance, adopted in 2009, is hereby amended as follows:

Section 1. Rezoning of the western 20,327 square feet of parcel **03-59-350-017-20**, proposed for two lots (“Parcel 1” and “Parcel 2”), legally described below from C-2, General Commercial District to R-5, Multiple Family Residential District, and the “Remainder” as legally described below, consisting of 21,729 square feet to C-1, Village Center District, in accordance with the survey depicted in Exhibit A.

“Parcel 1”

Part of Lots 1 and 2 of Block 5 of Helmer's Addition to the Village of Douglas, being part of Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Commencing at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence N87°57'41"W 306.09 feet along said South line of Fremont Street to the Point of Beginning; thence S03°28'38"W 131.36 feet parallel with the West line of the East 1/2 of said Lot 1; thence N87°56'50"W 77.36 feet along the South line of said Lots 1 and 2; thence N03°28'38"E 131.34 feet along said West line; thence S87°57'41"E 77.36 feet along said South line of Fremont Street to the Point of Beginning. Contains 10158 square feet. Subject to easements, restrictions and rights-of-way of record.

“Parcel 2”

Part of Lots 2 and 3 of Block 5 of Helmer's Addition to the Village of Douglas, being part of the Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Commencing at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence N87°57'41"W 228.73 feet along said South line of Fremont Street to the Point of Beginning; thence S03°28'38"W 131.38 feet parallel with the West line of the East 1/2 of Lot 1 of said Block 5; thence N87°56'50"W 77.36 feet along the South line of said Lots 2 and 3; thence N03°28'38"E 131.36 feet; thence S87°57'41"E 77.36 feet along said South line of Fremont Street to the Point of Beginning. Contains 10159 square feet. Subject to easements, restrictions and rights-of-way of record.

“Remainder”

Part of Vacated LeBarre Street and parts of Lots 1 and 2 of Block 4 of Helmer's Addition to the Village of Douglas and parts of Lots 3 and 4 of Block 5 of said Helmer's Addition, being part of the Southwest 1/4 of Section 16, Town 3 North, Range 16 West, Village of Douglas, Allegan County, Michigan, described as: Beginning at the intersection of the South right-of-way line of Fremont Street and the West right-of-way line of Blue Star Highway; thence S33°21'33"W 168.01 feet along said West line of Blue Star Highway; thence N56°39'33"W 129.96 feet; thence S33°20'40"W 64.75 feet; thence N03°28'38"E 131.38 feet parallel with the West line of the East half of lot 1 of said Block 5; thence S87°57'41"E 228.73 feet along said South line of Fremont Street to the Point of Beginning. Contains 21729 square feet. Subject to easements, restrictions and rights-of-way of record.

Section 2. Severability and Captions. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 3. Repeal. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 4. Effective Date. This Ordinance is ordered to take effect upon the expiration of 20 days

following publication of adoption in the Commercial Record, a newspaper having general circulation in the City, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

Ordinance Offered by: _____

Ordinance Supported by: _____

Ayes:

Nays:

Abstain:

Absent:

ORDINANCE DECLARED ADOPTED THIS _____ 2023.

Jerome Donovan, Mayor

Pamela Aalderink, CMC, City Clerk

Ordinance Adoption Date: _____ (to be published within 15 days of adoption)

Ordinance Effective Date: _____ (20 days after publication)

CERTIFICATION

I, Pamela Aalderink, the duly appointed Clerk of the City of the Village of Douglas, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Douglas City Council at a regular meeting held on Monday, 15, 2023 in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as requires by this Act.

CITY OF THE VILLAGE OF DOUGLAS

By: _____
Pamela Aalderink, City Clerk