CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 05-2026

AN ORDINANCE TO AMEND THE WESTSHORE PLANNED UNIT DEVELOPMENT (PUD) PURSUANT TO ARTICLE 27 OF THE CITY OF THE VILLAGE OF DOUGLAS ZONING ORDINANCE

PREAMBLE

WHEREAS, the Council of the City of the Village of Douglas (the "City") previously adopted Ordinance 03-2012 in order to establish pursuant to Article 27 of the City Zoning Ordinance the Westshore Planned Unit Development ("Westshore PUD"), to consist of approximately 78 acres of land to be developed with residential condominiums, private roads, utilities, designated open space, and pedestrian pathways; and

WHEREAS, the City has received an application from Ric Dyk, on behalf of BDR Inc., requesting an amendment to Ordinance 03-2012 removing from the Westshore PUD approximately 46 acres of undeveloped property, PPN 03-59-830-000-02, identified on the approved Westshore PUD Final Plan as the Western Development Area. ("Western Development Area"); and

WHEREAS, the requested amendment to Ordinance 03-2012 would result in a reduction in the 65% open space requirement of Ordinance 03-2012 to approximately 42%, consisting of approximately 13.47 acres of open space within the Westshore PUD; and

WHEREAS, the requested amendment to Ordinance 03-2012 would result in relief from the 25-foot perimeter buffer described in Zoning Ordinance sec 27.04 19) long the boundaries the reduced Westshore PUD adjacent to the rear property lines of existing residential units accessed on Golf View Drive (units 17 – 19) and Center Street (units 20 and 21) as shown on Exhibit A; and

WHEREAS, the City has been advised to clarify the future responsibility for the maintenance of certain interior trail easements located within the Western Development Area; and

WHEREAS, the requested amendment to Ordinance 03-2012 is being considered concurrently with a separate request to rezone the Western Development Area from R-1, Planned Unit Development District, to R-1, Residential District; and

WHEREAS, pursuant to Article 27 of the Zoning Ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, after a public hearing on October 8, 2026, following the publication of the required notice in the Commercial Record on September 17, 2026, and notice mailed o persons owning real property within three hundred (300) feet of the current Westshore PUD property, the Planning Commission recommended approval of the applicant's request by the City Council .

WHEREAS, the Douglas City Council held a first reading of the requested amendment to the Westshore PUD on _____ and a second reading on _____.

THE CITY OF THE VILLAGE OF DOUGLAS ORDAINS:

Zoning Ordinance 03-2012 s amended as follows:

Section 1: Amendment to Westshore Planned Unit Development.

The Westshore Planned Unit Development (PUD), originally approved in 2012, is hereby amended to remove approximately 46 acres of property from the existing PUD boundaries thereby amending the boundary and reducing the overall PUD area from approximately 78 acres to approximately 32 acres, as identified on Exhibit A.

Section 2. Open Space. The 65% open space requirement of Ordinance 03-2012 is reduced to require 42%, or approximately 13.47 acres, of open space within the remainder of Westshore PUD

Section 3. Perimeter Buffer. The 25-foot perimeter buffer described in Zoning Ordinance section 27.04 19 shall not be required by Ordinance 03-2012 along the revised boundaries of the reduced Westshore PUD adjacent to the rear property lines of existing residential units accessed on Golf View Drive (units 17 – 19) and Center Street (units 20 and 21), as shown on Exhibit A.

Section 4. **Interior Trail Easements.** The applicant is responsible for the maintenance of the following interior trail easements, including their associated improved trails and signage, located within the Western Development Area:

> Interior Trail Easement (Easement 7), recorded as Document 2025000496 at Liber 5003, Page 818, Allegan County Records; and
> Trail Connector Non-Exclusive Non-Motorized Easement Agreement (Trail 7-B), recorded as Document 2025000497 at Liber 5003, Page 828, Allegan County Records; and
> Trail Connector Non-Exclusive, Non-Motorized Easement Agreement (Trail 7-C), recorded as Document 2025000498 at Liber 5003, Page 837, Allegan County Records.

Upon any future applicant transfer of the Western Development Area, in whole or in part, the applicant at its expense shall obtain from the transferee, furnish to the City and cause to be recorded by the Allegan County Register of Deeds, in form and substance reasonably satisfactory to the City Attorney, an acknowledgment by the transferee of the foregoing responsibilities and agreement that the City shall have the same rights as are provided therein to require that the transferee, its successors and assigns, perform the obligations of the applicant as provided in the aforesaid interior trail easement agreements.

Section 5. Conditions of Approval. Approval of the requested amendment to Ordinance 03-2012 is ubject to the following conditions recommended by the Planning Commission:

1. The applicant at its expense shall cause to be recorded by the Allegan County Register of Deeds in the chain-of-title to the Property and the chain-of-title of all units in the Westshore Condominium a declaration of the City's adoption of an amendment to Ordinance 03-2012 substantially in the form and content of Exhibit C attached hereto.

2. The applicant at its expense shall cause to be recorded by the Allegan County Register of Deeds in the chain-of-title of all units in the Westshore Condominums all corresponding revisions to the Master Deed of and Condominium Subdivision Plan (Exhibit B to the Master Deed) of Westshore Condominiums as are reasonably deemed appropriate and satisfactory by the City Attorney in order to conform with this Ordinance

3. The applicant at its expense shall cause to be recorded by the Allegan County Register of Deeds all documents necessary to terminate the existing open space preservation easement encumbering the Western Development Area. Such documents to be reasonably satisfactory to the City Attorney.

4. The applicant shall have received City Council approval for the rezoning of the Western Development area from R-1 PUD to R-1, Residential,.

5. The applicant shall have paid any required escrows and complete any obligations subject to performance guarantees prior to being reimbursed for said escrows or performance guarantees.

Section 6 Existing Improvements and Obligations. All existing improvements, public trail easements, and applicable obligations associated with the Westshore PUD shall remain in effect unless expressly modified by this amendment. All necessary revisions to recorded condominium documents, easements, or other applicable documents shall be subject to review and approval by the City Attorney.

Section 7 Relationship to Rezoning. The removal of the Western Development Area from the Westshore PUD shall be contingent upon the approval and effective as of the effective date of the corresponding ordinance rezoning the property from R-1 PUD District to R-1Residential District and as provided in Section 6, below..

Section 8: Repeal. Any provision of Ordinance 03-2012, and any requirement of the Zoning Ordinance, that is inconsistent or conflicts with this Amendment to Ordinance 03-2012, is hereby repealed to the extent of any such conflict or inconsistency.

Section 9: Effective Date. Within fifteen (15) days following the adoption of this Ordinance, a summary of this Ordinance shall be published in a newspaper of general circulation in the City. This Ordinance shall take effect seven (7) days after said publication 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 _____ DAY OF_____ 2026

_____ _____
_____, Mayor _____, City Clerk

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

Ordinance Effective Date: _____ (7 days after publication)

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CERTIFICATION

I, Laura Kasper, 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, _____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: _____
Laura Kasper, City Clerk