

**CHARTER TOWNSHIP OF COMSTOCK
KALAMAZOO COUNTY, MICHIGAN**

**AMENDMENT TO COMSTOCK TOWNSHIP ZONING MAP AND ORDINANCE
TO REFLECT A CONDITIONAL REZONING**

ORDINANCE NO. 523

Adopted: January 3, 2022

Effective: Eight days after publication after adoption

An ordinance amending the Comstock Charter Township Zoning Ordinance, by amending the Zoning Map incorporated therein, to reflect a conditional rezoning agreement respecting certain properties in Land Section 5, from a "B-3, General Business" zoning classification to a "RM, Multiple Family Residential" zoning classification; and to repeal all ordinances or parts of ordinances in conflict herewith, and to provide an effective date.

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ORDAINS:

SECTION I
CONDITIONAL REZONING OF PROPERTIES IN LAND SECTION 5

The Zoning Map as incorporated by reference in the Comstock Charter Township Zoning Ordinance is hereby amended as to conditionally rezone properties comprising 31-acres on the south side of East G Avenue and southeast side of Gull Road, in Land Section 5, from "B-3, General Business" zoning classification to "RM, Multiple Family Residential" zoning classification, which properties are further described as:

SEC 5-2-10 COM AT N1/4 POST SEC 5 TH S 0DEG 26MIN E ALG N&S1/4 LI
SD SEC 408.05 FT FOR BEG TH S 88DEG 02MIN 55SEC W 386.24 FT TH N
37DEG 30MIN 20SEC W 310 FT TO CTR LI HWY M-43 TH SWLY ALG CTR LI
SD HWY 150 FT TH S 37DEG 30MIN 20SEC E 460 FT TH S 52DEG 29MIN
40SEC W 231.4 FT TH S 0DEG 26MIN E 836.4 FT TO S LI NFR1/2 NWFR1/4
SD SEC TH N 89DEG 55MIN 37SEC E THEREON 600 FT TO SD N&S1/4 LI
TH N 0DEG 26MIN W THEREON 1200 FT TO BEG EXC NWLY 60 FT FOR
HWY.

AND

SEC 5-2-10 BEGINNING AT THE NORTH QUARTER POST OF SECTION 5, TOWN 2 SOUTH, RANGE 10 WEST; THENCE SOUTH 89°-56'-07" EAST ALONG THE NORTH LINE OF SAID SECTION 235.57 FEET; THENCE SOUTH 00°-21'-51" EAST PARALLEL WITH THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 668.00 FEET; THENCE SOUTH 89°-56'-07" EAST 167.00 FEET; THENCE SOUTH 00°-21'-51" EAST PARALLEL TO THE NORTH AND SOUTH QUARTER LINE, 940.04 FEET TO THE SOUTH LINE OF THE NORTHWEST FRACTIONAL QUARTER SECTION 5; THENCE NORTH 89°-59'-06" WEST ALONG SAID LINE 402.57 FEET; THENCE NORTH 00°-21'-51" WEST ALONG THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 1608.39 FEET TO THE POINT OF BEGINNING.

AND

SEC 5-2-10 COMMENCING AT THE NORTH QUARTER POST OF SECTION 5, TOWN 2 SOUTH, RANGE 10 WEST; THENCE SOUTH 89°-56'-07" EAST ALONG THE NORTH LINE OF SAID SECTION 235.57 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°-56'-07" EAST ALONG THE NORTH LINE OF SAID SECTION 167.00 FEET; THENCE SOUTH 00°-21'-51" EAST PARALLEL WITH THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 668.00 FEET; THENCE NORTH 89°-56'-07" WEST 167.00 FEET; THENCE NORTH 00°-21'-51" WEST PARALLEL TO THE NORTH AND WEST QUARTER LINE OF SAID SECTION 668.00 FEET TO THE POINT OF BEGINNING.

Tax parcels #3907-05-135-030, 3907-05-205-021 and 3907-05-205-050

Said rezoning is further conditioned on the mutual signing and recording of a certain document, entitled "Conditional Rezoning Agreement" for the above-described property and is subject to those conditions which are established within the document, an unofficial and unexecuted copy of which is attached hereto as Exhibit "A", said conditions to be fully incorporated as if restated herein.

SECTION II **SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event, such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

SECTION III
REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV
EFFECTIVE DATE

This Ordinance shall take effect eight days after publication after adoption.

Nicole Beauchamp, Clerk
Charter Township of Comstock

Exhibit A
Conditional Rezoning Agreement