

ORDINANCE NO. 21-005

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE BY SECTION 29.7 – MORATORIUM FOR CERTAIN DEVELOPMENTS, AND TO PROVIDE FOR SEVERABILITY PROVISIONS, REPEAL PROVISIONS, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

THE CHARTER TOWNSHIP OF JAMESTOWN, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 1. Section 29.7 – Moratorium for Certain Developments. A new section, Section 29.7, is hereby added to the Zoning Ordinance to read in its entirety as follows.

Section 29.7 – Moratorium for Certain Developments

In response to reports from Ottawa County issued in 2013 and 2018 concerning sustainable potable water and the ability to provide suitable quantities and quality potable water to residences in the County and the Township, the Township determines that it is necessary and in the best interest of the Township, its residents and property owners, to enact a temporary moratorium on certain types of developments within the Township. During the temporary moratorium, the Township, acting through its staff and consultants, is to conduct a thorough review of the Township zoning ordinance, regulatory ordinances, and utility master plan and provide recommendations to the Township for possible amendments to the zoning ordinance and applicable regulatory ordinances to preserve and protect the public health, safety and welfare of the Township and its residents and property owners.

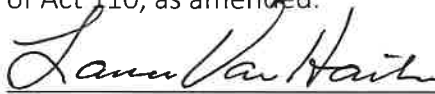
- A. The Township hereby enacts a moratorium on the following types of residential developments in the Township: (1) platted subdivisions under the Township's Subdivision Ordinance; (2) residential developments served by private roads under Section 3.29 of the zoning ordinance; (3) planned unit developments under the provisions of Chapter 19 of the zoning ordinance; (4) site condominium developments under the provisions of Chapter 27 of the zoning ordinance; and (5) open space developments under the provisions of Chapter 28 of the zoning ordinance, where the development is proposed to be served by private or community water wells and not connected to the public water system.

- B. This moratorium applies only to developments which have not received final approval from the Township including, but not limited to approval from or by the Planning Commission and/or Township Board, as of the effective date of this ordinance.
- C. Notwithstanding the foregoing, this moratorium shall not apply to those certain residential developments commonly known as "Peacefield" (OS-PUD) (Permanent Parcel No. 70-18-35-100-002); "Ottogan Hills" (Permanent Parcel No. 70-18-35-400-012); Ransom Street Site Condominium (Permanent Parcel No. 70-18-01-400-041) and the residential private road development at 4465 Greenly (Permanent Parcel No. 70-18-07-100-006), which have been approved or are under consideration for approval by the Township.
- D. This moratorium shall remain in effect for a period of six months from the effective date of the ordinance that enacted this moratorium. During the period of time in which this moratorium is in effect, the Township shall not accept, consider, act upon or approve any application for a residential development set forth in Section 29.7.A., above, if such development will not connect to and be served by the public water system.

Section 2. Severable Provisions. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 4. Effective Date. This amendment to the Jamestown Charter Township Zoning Ordinance was approved and adopted by the Township Board of Jamestown Charter Township, Ottawa County, Michigan on September 20, 2021, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on August 16, 2021, and after posting and publication following such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on October 6, 2021, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Text Amendment Ordinance in the *Grand Rapids Press* as required by Section 401 of Act 110, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

  
Laurie Van Haitsma, Township Supervisor

  
Candy DeHaan, Township Clerk

CERTIFICATE

I, Candy DeHaan, the Clerk for the Charter Township of Jamestown, Ottawa County, Michigan, certify that the foregoing Jamestown Charter Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on September 20, 2021. The following members of the Township Board were present at that meeting: VanHaitsma, DeHaan, Brouwer, Miedema, Miller and Tacoma. The following members of the Township Board were absent: McCormick. The Ordinance was adopted by the Township Board with members of the Board Brouwer, DeHaan, VanHaitsma, Miedema, Miller and Tacoma voting in favor and none (0) of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on September 28, 2021.



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Candy DeHaan, Clerk  
Jamestown Charter Township

