

ORDINANCE NO. 21-008

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE JAMESTOWN CHARTER TOWNSHIP ZONING ORDINANCE BY AMENDING SECTION 3.11 – RAZING OF BUILDINGS, SECTION 3.26B – TEMPORARY AND ACCESSORY MOBILE HOME DWELLINGS, BY CREATING SECTION 3.29C11 – PRIVATE ROADS, BY AMENDING SECTION 3.33O – WIND TURBINES, SECTION 15.6H – LANDSCAPING AND OVERALL SITE DESIGN, SECTION 17.1K – SITE PLAN REVIEW, SECTION 19.12 – PERFORMANCE GUARANTEES OF A PD, SECTION 23.7D – WIRELESS FACILITIES APPLICATION REQUIREMENTS, SECTION 26.5N – GENERAL LANDSCAPE STANDARDS INSTALLATION AND MAINTENANCE PROVISIONS, SECTION 27.6F – REVIEW AND CONSIDERATION OF SITE PLAN APPROVAL BY THE TOWNSHIP BOARD, BY CREATING SECTION 28.7 – FINANCIAL GUARANTEE, 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 3.11 – Razing of Buildings. Section 3.11 of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 3.11 – Razing of Buildings

No Building or Structure, excluding Farm Structures, shall be razed unless a permit has first been obtained from the Zoning Administrator who shall be authorized to require cash or an irrevocable letter of credit, in any amount not to exceed one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet, or fraction thereof, of Floor Area of the Building or Structure to be razed. The cash or irrevocable letter of credit shall be conditioned on the applicant's completing the razing within such reasonable time period as may be prescribed in the permit and compliance with such safety and health regulations as the Zoning Administrator may from time to time prescribe, including filling of excavations and proper termination of utility connections.

Section 2. Section 3.26B – Temporary and Accessory Mobile Home Dwellings. Section 3.26B of the Zoning Ordinance will be amended to read in its entirety as follows.

### Section 3.26B – Temporary and Accessory Mobile Home Dwellings

Temporary Residence. Mobile homes may be authorized as a temporary dwelling in accordance with Section 3.13(A) of this Ordinance; provided however, that no such authorization shall be made unless a building permit for a permitted principal building to be located on the same Lot has first been secured and a performance guarantee has been deposited with the Township Treasurer in the amount of one thousand (\$1,000.00) dollars. The performance guarantee may be either a cash deposit or an irrevocable bank letter of credit.

Section 3. Section 3.29C11 – Private Roads. Section 3.29C11 of the Zoning Ordinance will be added to read in its entirety as follows.

#### Section 3.29C11 – Private Roads

A cash deposit or an irrevocable letter of credit shall be required in order to ensure the completion of required improvements.

Section 4. Section 3.33O – Wind Turbines. Section 3.33O of the Zoning Ordinance will be amended to read in its entirety as follows.

#### Section 3.33O – Wind Turbines

1. All conversion systems must be maintained and kept in good working order or shall be removed by the property owner. Any wind turbine that has not produced electrical energy for 12 consecutive months shall be deemed to be abandoned. In the case of pooled parcels, it shall be the obligation of the pooled owners in accordance with their pro rated share to remove the abandoned wind turbine. To ensure that abandoned turbines are removed a cash deposit or an irrevocable letter of credit shall be required at the time of construction.
2. The property owner, pooled owners, or developer shall provide the Township Zoning Administrator with a copy of the yearly maintenance inspection.
3. Failure to keep the irrevocable letter of credit in effect while a wind turbine generator or weather testing tower is in place will be a violation of the special land use approval. If a lapse in the irrevocable letter of credit occurs, the Township will use all available remedies including possible enforcement action and revocation of the special land use approval.

Section 5. Section 15.6H – Landscaping and Overall Site Design. Section 15.6H of the Zoning Ordinance will be amended to read in its entirety as follows.

#### Section 15.6H – Landscaping and Overall Site Design

Parking lot deferment (banking). Where the property owner can demonstrate or the Planning Commission finds that the required amount of parking is excessive for the particular use, the Planning Commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this Chapter is retained as open space, and the owner agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Township. A written legal agreement, which has been approved by the Township Attorney, to construct the deferred parking shall be provided by the applicant. The Township shall require posting of cash or an irrevocable letter of credit to cover the estimated construction cost of the deferred parking with a refund in two (2) years if the additional parking is not found necessary. The site plan shall note the area where parking is being deferred, including dimensions and a striped parking lot layout.

Section 6. Section 17.1K – Site Plan Review. Section 17.1K of the Zoning Ordinance will be amended to read in its entirety as follows.

#### Section 17.1K – Site Plan Review

Performance Guarantee. The Planning Commission shall recommend to the Township Board an irrevocable letter of credit or cash in an amount equal to the estimated cost of a road, lighting, utility, sidewalk, landscaping, drainage, and other required improvements associated with the project. The estimated cost of the improvements shall be determined by the applicant and that the applicant's estimate will be reviewed by the township's engineer for approval before the performance guarantee is deposited with the Township Clerk. Such performance guarantee shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan. If not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator. In cases where the provisions of this Section have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements and the balance, if any, shall be returned to the applicant.

Section 7. Section 19.12 – Performance Guarantees of a PD. Section 19.12 of the Zoning Ordinance will be amended to read in its entirety as follows.

#### Section 19.12 – Performance Guarantees of a PD

The Township Board, after recommendation from the Planning Commission or in its own discretion, shall require cash or an irrevocable letter of credit in order to ensure the completion of required improvements.

Section 8. Section 23.7D – Wireless Facilities Application Requirements. Section 23.7D of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 23.7D – Wireless Facilities Application Requirements

The application shall include a description of security to be posted with the Township at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in subsection H below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash or (2) irrevocable letter of credit.

Section 9. Section 26.5N – General Landscape Standards Installation and Maintenance Provisions. Section 26.5N of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 26.5N – General Landscape Standards Installation and Maintenance Provisions

The Planning Commission shall require a financial guarantee of a sufficient amount to insure the installation of all required landscaping. This financial guarantee shall be in the form of cash or an irrevocable letter of credit.

Section 10. Section 27.6F – Review and Consideration of Site Plan Approval by the Township Board. Section 27.6F of the Zoning Ordinance will be amended to read in its entirety as follows.

Section 27.6F – Review and Consideration of Site Plan Approval by the Township Board

As a condition of granting site plan approval for a site condominium project, the Township Board shall require that a cash deposit or irrevocable letter of credit covering the estimated cost of improvements associated with the site condominium project for which approval is sought be deposited with the Township Clerk as provided by Section 16(f) of the Township Zoning Act, or the corresponding section of any successor public act having the same or similar regulatory purpose.

Section 11. Section 28.7 – Financial Guarantee Section 28.7 of the Zoning Ordinance will be added to read in its entirety as follows.

Section 28.7 – Financial Guarantee

As a condition of site plan approval for an open space preservation project, the Planning Commission shall require that a cash deposit or irrevocable letter of credit, covering the estimated cost of improvements associated with the open space preservation project for which approval is sought be deposited with the Township Clerk.

Section 12. 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 13. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

Section 14. 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 December 20, 2021, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended; after introduction and a first reading on November 15, 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 January 5, 2022, 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 December 20, 2021. The following members of the Township Board were present at that meeting: VanHaitsma, DeHaan, Brouwer, McCormick, Miedema, Miller and Tacoma. The following members of the Township Board were absent: None. The Ordinance was adopted by the Township Board with members of the Board McCormick, Brouwer, DeHaan, VanHaitsma, Miedema, Miller and Tacoma voting in favor and no members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Rapids Press* on December 28, 2021.



Candy DeHaan, Clerk  
Jamestown Charter Township

**AFFIDAVIT OF POSTING**  
(Ordinance to Amend the Subdivision Ordinance)


STATE OF MICHIGAN )  
  )ss  
COUNTY OF OTTAWA )

The undersigned, Candy DeHaan, the Jamestown Charter Township Clerk, being first duly sworn, deposes and says as follows:

1. That she posted a proposed Ordinance to amend the Subdivision Ordinance for Jamestown Charter Township, after its first reading at a meeting of the Jamestown Charter Township Board held on November 15, 2021 and its second reading at a meeting of the Jamestown Charter Township Board held on December 20, 2021, in the Township Clerk's office and on the Township's website at [www.twp.jamestown.mi.us](http://www.twp.jamestown.mi.us) on December 28, 2021.

  
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Candy DeHaan, Clerk  
Jamestown Charter Township

Subscribed and sworn to before this  
21<sup>ST</sup> day of December, 2021.

  
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Josh Westgate  
Notary Public, Ottawa County, Michigan  
Acting in Ottawa County, Michigan  
My commission expires: 6-22-2023

JOSH WESTGATE  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OTTAWA  
MY COMMISSION EXPIRES Jun 22, 2023  
ACTING IN COUNTY OF OTTAWA