



# Memorandum

**TO:** Joe Shea – Yankee Springs Township Zoning Administrator  
Yankee Springs Township Planning Commission

**FROM:** James McManus, AICP – Principal Planner

**SUBJECT:** Zoning Ordinance Amendments

**DATE:** January 5th, 2026

Dear Zoning Administrator Shea and the Yankee Springs Twp Planning Commission,  
Per your request, the following zoning ordinance amendments have been drafted so they can be presented to the Planning Commission for consideration.

1) Amend Article 22, Section 22.3 to read:

“Section 22.3 – Fees, Escrow Charges and Expenditures

- A) The Township Board shall by resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning compliance permits, appeals, special land uses, variances, site plan reviews, rezoning applications and other matters pertaining to this Ordinance. The schedule of fees shall be available at the Township Hall and may be amended by the Township Board
- B) All applications shall be accompanied by a filing fee established by the Township Board. The filing fee may include a deposit toward the costs of other parties retained by the Township to provide expert consultation and advice in the review of an application, including but not limited to legal, planning and engineering professionals and site management activities. The amount of the deposit shall be based on a reasonable estimate to provide such services. Any unused portion of the deposit shall be returned to the applicant after the Township has paid all of the costs for consulting services. The Township may require the applicant to replenish the escrow account at any time to ensure a sufficient balance.”

Since you do not have any specific language regarding performance guarantees, I suggest that you include this as a text amendment as well.

2) Add “Section 22.4 – Performance Guarantee



- A) As a condition of approval of a site plan review, special land use, or variance, or other approvals authorized by this Ordinance, the Township Board, Planning Commission, Zoning Board of Appeals, or Zoning Administrator may require a performance guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development.
- B) The features or components, hereafter referred to as "improvements," may include, but shall not be limited to, survey monuments and irons, streets, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, paving, driveways, utilities, planned mineral removal and similar items as allowed by the Michigan Zoning Enabling Act.
- C) Performance guarantees shall be processed in the following manner.
1. Prior to the issuance of a zoning permit, the applicant or the applicant's agent shall submit an itemized cost estimate of the required improvements that are subject to the performance guarantee, which shall then be reviewed and approved by the Zoning Administrator.
  2. The amount of the performance guarantee shall be not more than one hundred (125) percent of the cost of purchasing of materials and installation of the required improvements, including the cost of necessary engineering and inspection costs and a reasonable amount for contingencies. In addition, performance guarantees can cover all costs associated with the reclamation of planned mineral removal projects as well as any decommissioning costs associated with utility scale alternative energy projects.
  3. The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety guarantee acceptable to the Township.
  4. The Zoning Administrator shall not sign off on the issuance of a zoning permit until all final plans, development agreements, escrow fees and any required performance guarantees are provided.
  5. The Zoning Administrator, upon the written request of the obligor and if allowed by this Ordinance, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. A portion of the performance guarantee shall be rebated in the same proportion as stated in the itemized cost estimate for the applicable improvements.
  6. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections.
  7. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
  8. The Zoning Administrator shall maintain a record of required performance guarantees."



If these are acceptable, they can be included with the ordinance for Planned Mineral Removal at the same Public Hearing.

Respectfully,

A handwritten signature in blue ink that reads "James McManus". The signature is written in a cursive, flowing style.

James McManus, AICP